

AMENDED IN ASSEMBLY DECEMBER 10, 2009

CALIFORNIA LEGISLATURE—2009—10 FIFTH EXTRAORDINARY SESSION

## ASSEMBLY BILL

**No. 8**

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**Introduced by Assembly Member Brownley  
(Coauthors: Assembly Members Bass, Carter, and Torlakson)**

December 2, 2009

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An act to amend Sections 14502.1, 47602, 47605, 47605.6, 47607, 60601, 60603, 60604, 60605.6, 60606, 60640, 60643, 60643.1 of, to amend and repeal Section 60605 of, to add Sections 44665.5, 47630.6, and 60604.5 to, to add and repeal Sections 60605.7 and 60605.8 of, and to add and repeal Chapter 18 (commencing with Section 53100) of Part 28 of Division 4 of Title 2 of, the Education Code, relating to public schools.

### LEGISLATIVE COUNSEL'S DIGEST

AB 8, as amended, Brownley. Public schools: Race to the Top.

(1) The federal American Recovery and Reinvestment Act of 2009 (ARRA), provides \$4.3 billion for the State Incentive Grant Fund (Race to the Top Fund), which is a competitive grant program designed to encourage and reward states that are implementing specified educational objectives. The ARRA requires a Governor to apply on behalf of a state seeking a Race to the Top grant, and requires the application to include specified information. The United States Secretary of Education has issued regulations and guidelines regarding state eligibility under the Race to the Top program.

This bill would state the intent of the Legislature, as well as findings and declarations of the Legislature relating to the Race to the Top program. This bill would authorize the Superintendent of Public Instruction to enter into a memorandum of understanding with a local

educational agency that is consistent with the requirements established by the bill and the regulations and guidelines for the Race to the Top program.

This bill would require the state plan or plans submitted to the United States Secretary of Education for the Race to the Top program to meet specified substantive and procedural requirements. The bill would also require the Department of Finance to provide appropriate policy and fiscal committees of the Legislature with a copy of the plan or plans within 10 days of submission to the United States Secretary of Education for the Race to the Top program. The Department of Finance, in conjunction with the Superintendent, would, within 30 days of receipt of any federal Race to the Top program funds, and prior to their allocation, be required to develop and submit to the appropriate policy and fiscal committees of the Legislature an expenditure plan, as specified.

This bill would require the Superintendent, on or before January 1, 2011, to contract with an independent evaluator relating to the implementation of the state plan to be submitted in application for a Race to the Top Fund competitive grant award. This bill would require the Superintendent, on or before September 1, 2010, to convene a working group consisting of specified members to develop parameters of the evaluation and make specified recommendations relating to the selection of the independent evaluator. This bill would require the Superintendent, on or before June 1, 2014, to provide the final evaluation to the Legislature, the Governor, and the state board, and authorize the department to use federal Race to the Top program funds for this evaluation.

This bill would provide that the evaluation provisions shall become inoperative on July 1, 2014, and as of January 1, 2015, are repealed unless a later enacted statute becomes operative, as specified.

(2) The Public Schools Accountability Act of 1999 requires the Superintendent, with approval of the state board, to develop the Academic Performance Index (API), consisting of a variety of indicators, to be used to measure the performance of schools. Existing law requires the Superintendent to develop, and the state board to adopt, expected annual percentage growth targets for all schools based on their API baseline score and prescribes a minimum percentage growth target of 5% annually. The act also establishes the Immediate Intervention/Underperforming Schools Program (IIUSP). Schools that score below the 50th percentile on certain achievement tests are invited

to participate in the program and are provided program funding. Twenty-four months after receiving IIUSP funding, a school that fails to meet its growth targets each year, but demonstrates significant growth, as determined by the state board, continues to participate in the program for an additional year and to receive funding. If a school fails to meet its growth targets each year and does not demonstrate significant growth, it is deemed a state-monitored school and the Superintendent is required to take specified actions with regard to the school.

This bill would require the Superintendent to apportion federal Race to the Top program funds pursuant to a specified expenditure plan for low-achieving schools. The bill, commencing with the 2011–12 fiscal year, would require the Superintendent to apportion block grant funds based on the number of certificated personnel employed in eligible school districts that have one or more schools under their jurisdiction and charter schools, that are low-achieving, as defined. School districts and charter schools that receive funds pursuant to these provisions would be required to expend the funds for specified purposes relating to professional development for teachers, administrators, and schoolsite staff. School districts and charter schools receiving funds also would be required to annually report specified information to the State Department of Education relating to the expenditure of these funds.

This bill would require the Superintendent to establish a list of persistently lowest-achieving schools, as defined, according to specified criteria. The bill, *except as specified*, would require the governing board of a school district, county office of education, or charter school to implement, for any school identified by the Superintendent as persistently lowest-achieving, one of four interventions for turning around lowest-achieving schools described in federal regulations and guidelines for the Race to the Top program, thereby imposing a state-mandated local program. The bill would authorize a persistently lowest-achieving school implementing specified intervention models to participate in a school-to-school partnership program by working with a mentor school that has successfully transitioned from a low-achieving school to a higher-achieving school. The regional consortia authorized under a specified statute would, using specified federal funds, be required to provide, in collaboration with the department, at a minimum, technical assistance and support to local educational agencies with one or more persistently lowest-achieving schools to assist with the implementation of the duties specified for any of the 4 interventions.

*This bill would require the governing board of a local educational agency, with regard to any school identified as low-achieving, as defined, but not identified as persistently lowest-achieving, as defined, which continues to fail to make adequate yearly progress under the federal Elementary and Secondary Education Act after one full school year, and where at least one-half of the parents or guardians of pupils attending the school and the elementary or middle schools that normally matriculate into a middle or high school, as applicable, sign a petition requesting the local educational agency to implement a strategy to reform that school, to (a) place that request as an item on the agenda of a regularly scheduled public hearing no later than 90 days following receipt of that request, (b) hear that agenda item at that regularly scheduled meeting, and (c) allow public testimony and comment on that agenda item.*

(3) Existing law requires the governing board of a school district to develop and adopt objective evaluation and assessment guidelines for certificated employees.

This bill would require each participating local educational agency that executes a memorandum of understanding with the State of California pursuant to the federal Race to the Top program to have in place or establish a rigorous, transparent, and fair evaluation system for its school principals.

(4) Existing law requires the Controller, in consultation with the Department of Finance and the State Department of Education, to develop a plan to review and report on financial and compliance audits. Existing law requires the Controller to propose the content of an audit guide and authorizes a supplement to the audit guide to be suggested in the audit year to address issues resulting from new legislation in that year that changes the conditions of apportionment. Existing law requires the Controller to submit the proposed content of the audit guide and any supplement to the Education Audits Appeal Panel for review and possible amendment, and requires the Education Audits Appeal Panel to adopt the audit guide and any supplement pursuant to the rulemaking procedures of the Administrative Procedure Act.

This bill would require the Controller to propose, and the Education Audits Appeal Panel to adopt, a charter school supplement to the audit guide in order to provide guidance to auditors regarding which sections of the school district and county office audit guide apply to charter schools and to create specific guidance related to the unique nature of charter schools. The bill also would make conforming changes.

The Charter Schools Act of 1992 (Charter Schools Act) authorizes any one or more persons to submit a petition to the governing board of a school district to establish a charter school that operates independently from the existing school district structure as a method of accomplishing specified goals. The act limits the maximum number of charter schools authorized to operate in the state each year, as specified.

This bill would delete that numerical limitation.

The Charter Schools Act specifies the procedures for the submission, review, and approval or denial of a petition to establish a *standard or countywide* charter school. The act authorizes the governing board of a school district to deny a charter petition only if the board makes written factual findings that support certain facts regarding the petition.

This bill, in addition, would authorize a governing board to deny a petition *to establish a standard or countywide charter school* if it makes a written factual finding that other charter schools in operation for at least 3 consecutive years and operated by the petitioner have met any of the following criteria: (A) the charter school has demonstrated academic achievement equivalent to a persistently lowest-achieving school, as specified; (B) the charter school ~~has not been renewed~~; ~~(C) the school has had its charter revoked~~ *completed its first renewal cycle and was not renewed by the authorizing entity, the county board of education, or the state board, as applicable; or C) the school has had its charter revoked, and the charter was not restored by the county board of education or the state board, as applicable.*

The Charter Schools Act limits the duration of charters to a period not to exceed 5 years and authorizes the chartering authority to grant one or more subsequent renewals for an additional period of 5 years. The act specifies the criteria a charter school is required to meet in order to receive a renewal of its charter. Commencing January 1, 2005, or after a charter school has been in operation for 4 years, whichever date occurs later, the act requires a charter school to meet at least one of several specified criteria prior to receiving a charter renewal, including a determination by the entity that granted the charter that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

This bill would delete that criterion and replace it with a criterion relating to attaining positive growth on the charter school's API score. The bill would require a chartering authority, consistent with the federal Race to the Top guidelines, to consider the degree to which a charter school serves pupil populations that are similar to local district pupil populations, especially relative to high-need pupils. The bill would prohibit a chartering authority from granting a renewal of a charter school for longer than a 3-year period if that charter school is in program improvement or if a charter school is in year 5 of program improvement, except as specified.

The Charter Schools Act requires a charter petition to include a reasonably comprehensive description of the manner in which annual, independent financial audits will be conducted. The act requires a charter school to transmit a copy of its annual, independent financial audit report for the preceding fiscal year to its chartering entity, the Controller, the county superintendent of schools of the county in which the charter school is sited, except as specified, and the department by December 15 of each year.

This bill would require the Controller, by December 31 of each fiscal year, to publish a directory of certified public accountants and public accountants deemed by the Controller to be qualified to conduct audits of charter schools. The bill would require each audit of a charter school to be conducted by a certified public accountant or public accountant selected by the charter school from the directory. The bill would specify that it is unlawful for a public accounting firm to provide audit services to a charter school if the lead audit partner, or coordinating audit partner, having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that charter school in each of the 6 previous fiscal years, except as provided.

(5) Existing law, the Leroy Greene California Assessment of Academic Achievement Act (hereafter the Greene Act), requires the Superintendent to design and implement a statewide pupil assessment program, and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program.

This bill would require the Superintendent to develop recommendations for the reauthorization of the statewide pupil

assessment program that include a plan for transitioning to a system of high-quality assessments, as defined. This bill would require the advisory committee that is established to advise the Superintendent and the state board on specified matters relating to the Public School Performance Accountability Program to make recommendations by January 1, 2011, to the Legislature, the Governor, and the state board on, among other things, the establishment of a methodology of generating a measurement of group and individual academic performance growth by utilizing individual pupil results from a longitudinally valid achievement assessment system, as specified.

The Greene Act requires the Superintendent to adopt statewide content and performance standards in the core curriculum areas of reading, writing, mathematics, history/social science, and science, as specified. The Greene Act authorizes the state board to modify any proposed content standards or performance standards prior to adoption, and to adopt content and performance standards in individual core curriculum areas as those standards are submitted to the state board.

This bill would eliminate this authority and instead require the Superintendent, to develop a set of academic content standards in language arts and mathematics. The standards would be required to meet specified criteria. The Superintendent, on or before August 2, 2010, would be required to present these standards to the state board, and to present to the Governor, and the appropriate policy and fiscal committees of the Legislature, specified information relating to these standards. The state board, on or before September 1, 2010, would be required to adopt or reject the standards, as specified.

The bill would require the Superintendent to participate in the Common Core State Standards Initiative consortium sponsored by the National Governors Association and the Council of Chief State School Officers ~~and or~~ any associated or related interstate collaboration to jointly develop common high-quality *standards or* assessments aligned with the common set of standards ~~developed by that consortium~~. The bill also would make conforming changes.

Existing law makes certain provisions of that act inoperative on July 1, 2011, and repeals all of the act's provisions on January 1, 2012.

The bill would make the act inoperative on July 1, 2012, and would repeal the act as of January 1, 2013, except specified provisions, which would become inoperative on July 1, 2016, and would be repealed as of January 1, 2017. By extending the time period during which school districts are required to perform various duties related to the

administration of achievement tests, the bill would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14502.1 of the Education Code is  
2 amended to read:  
3 14502.1. (a) The Controller, in consultation with the  
4 Department of Finance and the State Department of Education,  
5 shall develop a plan to review and report on financial and  
6 compliance audits. The plan shall commence with the 2003–04  
7 fiscal year for audits of school districts, other local education  
8 agencies, and the offices of county superintendents of schools.  
9 The Controller, in consultation with the Department of Finance,  
10 the State Department of Education, and representatives of the  
11 California School Boards Association, the California Association  
12 of School Business Officials, the California County  
13 Superintendents Educational Service Association, the California  
14 Teachers Association, the California Society of Certified Public  
15 Accountants, shall recommend the statements and other information  
16 to be included in the audit reports filed with the state, and shall  
17 propose the content of an audit guide to carry out the purposes of  
18 this chapter. A supplement to the audit guide may be suggested in  
19 the audit year, following the above process, to address issues  
20 resulting from new legislation in that year that changes the  
21 conditions of apportionment. The proposed content of the audit  
22 guide and any supplement to the audit guide shall be submitted by  
23 the Controller to the Education Audits Appeal Panel for review  
24 and possible amendment.  
25 (b) The audit guide and any supplement shall be adopted by the  
26 Education Audits Appeal Panel pursuant to the rulemaking

1 procedures of the Administrative Procedure Act as set forth in  
2 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division  
3 3 of Title 2 of the Government Code. It is the intent of the  
4 Legislature that, for the 2003–04 fiscal year, the audit guide be  
5 adopted by July 1 of the fiscal year to be audited. A supplemental  
6 audit guide may be adopted to address legislative changes to the  
7 conditions of apportionment. It is the intent of the Legislature that  
8 supplements be adopted before March 1 of the audit year.  
9 Commencing with the 2004–05 fiscal year, and each fiscal year  
10 thereafter, the audit guide shall be adopted by July 1 of the fiscal  
11 year to be audited. A supplemental audit guide may be adopted to  
12 address legislative changes to the conditions of apportionment.  
13 The supplements shall be adopted before March 1 of the audit  
14 year. To meet these goals and to ensure the accuracy of the audit  
15 guide, the process for adopting emergency regulations set forth in  
16 Section 11346.1 of the Government Code may be followed to  
17 adopt the guide and supplemental audit guide. It is the intent of  
18 the Legislature that once the audit guide has been adopted for a  
19 fiscal year, as well as any supplement for that year, thereafter only  
20 suggested changes to the audit guide and any additional  
21 supplements need be adopted pursuant to the rulemaking  
22 procedures of the Administrative Procedure Act. The audit guide  
23 and any supplement shall be issued in booklet form and may be  
24 made available by any means deemed appropriate. The Controller  
25 and consultants in the development of the suggested audit guide  
26 and any supplement shall work cooperatively on a timeline that  
27 will allow the education audits appeal panel to meet the July 1 and  
28 March 1 issuance dates. Consistent with current practices for  
29 development of the audit guide before the 2003–04 fiscal year, the  
30 Controller shall provide for the adoption of procedures and  
31 timetables for the development of the suggested audit guide, any  
32 supplement, and the format for additions, deletions, and revisions.

33 (c) For the audit of school districts or county offices of education  
34 electing to take formal action pursuant to Sections 22714, 22714.5,  
35 44929, and 44929.1, the audit guide content proposed by the  
36 Controller shall include, but not be limited to, the following:

- 37 (1) The number and type of positions vacated.  
38 (2) The age and service credit of the retirees receiving the  
39 additional service credit provided by Sections 22714, 22714.5,  
40 44929, and 44929.1.

1 (3) A comparison of the salary and benefits of each retiree  
2 receiving the additional service credit with the salary and benefits  
3 of the replacement employee, if any.

4 (4) The resulting retirement cost, including interest, if any, and  
5 postretirement health care benefits costs, incurred by the employer.

6 (d) The Controller shall annually prepare a cost analysis, based  
7 on the information included in the audit reports for the prior fiscal  
8 year, to determine the net savings or costs resulting from formal  
9 actions taken by school districts and county offices of education  
10 pursuant to Sections 22714, 22714.5, 44929, and 44929.1, and  
11 shall report the results of the cost analysis to the Governor and the  
12 Legislature by April 1 of each year.

13 (e) All costs incurred by the Controller to implement subdivision  
14 (c) shall be absorbed by the Controller.

15 (f) This section shall become operative July 1, 2003 and shall  
16 apply to the preparation of the audit guide for school district audits  
17 commencing with the 2003–04 fiscal year.

18 (g) Pursuant to subdivisions (a) and (b), the Controller shall  
19 propose, and the Education Audits Appeal Panel shall adopt, a  
20 charter school supplement to the audit guide to provide guidance  
21 on the sections of the school district and county office audit guide  
22 that apply to charter schools, and to provide specific guidance on  
23 the unique nature of charter schools.

24 SEC. 2. Section 44665.5 is added to the Education Code, to  
25 read:

26 44665.5. (a) Each participating local educational agency, as  
27 that term is defined in the regulations and guidelines for the federal  
28 Race to the Top program authorized under the federal American  
29 Recovery and Reinvestment Act of 2009 (Public Law 111-5), that  
30 executes a memorandum of understanding with the State of  
31 California pursuant to the Race to the Top program shall have in  
32 place, or shall establish, a rigorous, transparent, and fair annual  
33 evaluation system for its school principals.

34 (b) An evaluation system required pursuant to this section shall,  
35 at a minimum, have the following characteristics:

36 (1) It shall be designed and developed with the involvement of  
37 school principals.

38 (2) It shall include multiple factors, including data on pupil  
39 academic growth, that contribute to a school principal's success.

40 (3) It shall provide timely and instructive feedback to principals.

(4) It shall be used by the local educational agency to inform employment-related decisions for school principals.

SEC. 3. Section 47602 of the Education Code is amended to read:

47602. (a) The state board shall assign a number to each charter petition that it grants pursuant to subdivision (j) of Section 47605 or Section 47605.8 and to each charter notice it receives pursuant to this part, based on the chronological order in which the notice is received. Each number assigned by the state board on or after January 1, 2003, shall correspond to a single petition that identifies a charter school that will operate within the geographic and site limitations of this part. The state board shall develop a numbering system for charter schools that identifies each school associated with a charter. For purposes of this section, sites that share educational programs and serve similar pupil populations may not be counted as separate schools. Sites that do not share a common educational program shall be considered separate schools for purposes of this section. The limits contained in this paragraph may not be waived by the state board pursuant to Section 33050 or any other provision of law.

(b) A charter shall not be granted under this part that authorizes the conversion of any private school to a charter school. A charter school shall not receive any public funds for a pupil if the pupil also attends a private school that charges the family of the pupil tuition. The state board shall adopt regulations to implement this section.

SEC. 4. Section 47605 of the Education Code is amended to read:

47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district, as long as each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions are met:

(A) The petition has been signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the

1 number of pupils that the charter school estimates will enroll in  
2 the school for its first year of operation.

3 (B) The petition has been signed by a number of teachers that  
4 is equivalent to at least one-half of the number of teachers that the  
5 charter school estimates will be employed at the school during its  
6 first year of operation.

7 (2) A petition that proposes to convert an existing public school  
8 to a charter school that would not be eligible for a loan pursuant  
9 to subdivision (b) of Section 41365 may be circulated by one or  
10 more persons seeking to establish the charter school. The petition  
11 may be submitted to the governing board of the school district for  
12 review after the petition has been signed by not less than 50 percent  
13 of the permanent status teachers currently employed at the public  
14 school to be converted.

15 (3) A petition shall include a prominent statement that a  
16 signature on the petition means that the parent or legal guardian  
17 is meaningfully interested in having his or her child or ward attend  
18 the charter school, or in the case of a teacher's signature, means  
19 that the teacher is meaningfully interested in teaching at the charter  
20 school. The proposed charter shall be attached to the petition.

21 (4) After receiving approval of its petition, a charter school that  
22 proposes to establish operations at one or more additional sites  
23 shall request a material revision to its charter and shall notify the  
24 authority that granted its charter of those additional locations. The  
25 authority that granted its charter shall consider whether to approve  
26 those additional locations at an open, public meeting. The approval  
27 of additional locations of a charter school constitutes a material  
28 revision of its charter.

29 (5) A charter school that is unable to locate within the  
30 jurisdiction of the chartering school district may establish one site  
31 outside the boundaries of the school district, but within the county  
32 in which that school district is located, if the school district within  
33 the jurisdiction of which the charter school proposes to operate is  
34 notified in advance of the charter petition approval, the county  
35 superintendent of schools and the Superintendent are notified of  
36 the location of the charter school before it commences operations,  
37 and either of the following circumstances exist:

38 (A) The school has attempted to locate a single site or facility  
39 to house the entire program, but a site or facility is unavailable in  
40 the area in which the school chooses to locate.

1 (B) The site is needed for temporary use during a construction  
2 or expansion project.

3 (6) Commencing January 1, 2003, a petition to establish a charter  
4 school may not be approved to serve pupils in a grade level that  
5 is not served by the school district of the governing board  
6 considering the petition, unless the petition proposes to serve pupils  
7 in all of the grade levels served by that school district.

8 (b) No later than 30 days after receiving a petition, in accordance  
9 with subdivision (a), the governing board of the school district  
10 shall hold a public hearing on the provisions of the charter, at  
11 which time the governing board of the school district shall consider  
12 the level of support for the petition by teachers employed by the  
13 district, other employees of the district, and parents. Following  
14 review of the petition and the public hearing, the governing board  
15 of the school district shall either grant or deny the charter within  
16 60 days of receipt of the petition. The 60-day period may be  
17 extended by an additional 30 days if the governing board and the  
18 proponents of the petition agree to the extension. In reviewing  
19 petitions for the establishment of charter schools pursuant to this  
20 section, the chartering authority shall be guided by the intent of  
21 the Legislature that charter schools are and should become an  
22 integral part of the California educational system and that  
23 establishment of charter schools should be encouraged. The  
24 governing board of the school district shall grant a charter for the  
25 operation of a school under this part if it is satisfied that granting  
26 the charter is consistent with sound educational practice. The  
27 governing board of the school district shall not deny a petition for  
28 the establishment of a charter school unless it makes written factual  
29 findings, specific to the particular petition, setting forth specific  
30 facts to support one or more of the following findings:

31 (1) The charter school presents an unsound educational program  
32 for the pupils to be enrolled in the charter school.

33 (2) The petitioners are demonstrably unlikely to successfully  
34 implement the program set forth in the petition.

35 (3) The petition does not contain the number of signatures  
36 required by subdivision (a).

37 (4) The petition does not contain an affirmation of each of the  
38 conditions described in subdivision (d).

39 (5) The petition does not contain reasonably comprehensive  
40 descriptions of all of the following:

1 (A) (i) A description of the educational program of the school,  
2 designed, among other things, to identify those whom the school  
3 is attempting to educate, what it means to be an “educated person”  
4 in the 21st century, and how learning best occurs. The goals  
5 identified in that program shall include the objective of enabling  
6 pupils to become self-motivated, competent, and lifelong learners.

7 (ii) If the proposed school will serve high school pupils, a  
8 description of the manner in which the charter school will inform  
9 parents about the transferability of courses to other public high  
10 schools and the eligibility of courses to meet college entrance  
11 requirements. Courses offered by the charter school that are  
12 accredited by the Western Association of Schools and Colleges  
13 may be considered transferable and courses approved by the  
14 University of California or the California State University as  
15 creditable under the “A” to “G” admissions criteria may be  
16 considered to meet college entrance requirements.

17 (B) The measurable pupil outcomes identified for use by the  
18 charter school. “Pupil outcomes,” for purposes of this part, means  
19 the extent to which all pupils of the school demonstrate that they  
20 have attained the skills, knowledge, and attitudes specified as goals  
21 in the school’s educational program.

22 (C) The governance structure of the school, including, but not  
23 limited to, the process to be followed by the school to ensure  
24 parental involvement.

25 (D) The qualifications to be met by individuals to be employed  
26 by the school.

27 (E) The procedures that the school will follow to ensure the  
28 health and safety of pupils and staff. These procedures shall include  
29 the requirement that each employee of the school furnish the school  
30 with a criminal record summary as described in Section 44237.

31 (F) The means by which the school will achieve a racial and  
32 ethnic balance among its pupils that is reflective of the general  
33 population residing within the territorial jurisdiction of the school  
34 district to which the charter petition is submitted.

35 (G) Admission requirements, if applicable.

36 (H) The manner in which annual, independent financial audits  
37 shall be conducted, which shall employ generally accepted  
38 accounting principles, and the manner in which audit exceptions  
39 and deficiencies shall be resolved to the satisfaction of the

1 chartering authority, consistent with the supplement to the audit  
2 guide adopted pursuant to subdivision (g) of Section 14502.1.

3 (I) The procedures by which pupils can be suspended or  
4 expelled.

5 (J) The manner by which staff members of the charter schools  
6 will be covered by the State Teachers' Retirement System, the  
7 Public Employees' Retirement System, or federal social security.

8 (K) The public school attendance alternatives for pupils residing  
9 within the school district who choose not to attend charter schools.

10 (L) A description of the rights of any employee of the school  
11 district upon leaving the employment of the school district to work  
12 in a charter school, and of any rights of return to the school district  
13 after employment at a charter school.

14 (M) The procedures to be followed by the charter school and  
15 the entity granting the charter to resolve disputes relating to  
16 provisions of the charter.

17 (N) A declaration whether or not the charter school shall be  
18 deemed the exclusive public school employer of the employees of  
19 the charter school for the purposes of Chapter 10.7 (commencing  
20 with Section 3540) of Division 4 of Title 1 of the Government  
21 Code.

22 (O) A description of the procedures to be used if the charter  
23 school closes. The procedures shall ensure a final audit of the  
24 school to determine the disposition of all assets and liabilities of  
25 the charter school, including plans for disposing of any net assets  
26 and for the maintenance and transfer of pupil records.

27 (6) For purposes of assuring high-performing charter schools  
28 pursuant to the federal Race to the Top regulations and guidelines,  
29 the petitioner has operated another charter school for at least three  
30 consecutive years, and any of the following have occurred:

31 (A) The charter school has demonstrated academic achievement  
32 equivalent to a persistently lowest-achieving school as set forth in  
33 subdivision (b) of Section 53400.

34 ~~(B) The charter school has not been renewed.~~

35 ~~(C) The school has had its charter revoked.~~

36 *(B) The charter school completed its first renewal cycle and*  
37 *was not renewed by the authorizing entity, the county board of*  
38 *education, or the state board.*

39 *(C) The school has had its charter revoked, and the charter was*  
40 *not restored by the county board of education, or the state board.*

1 (c) (1) Charter schools shall meet all statewide standards and  
2 conduct the pupil assessments required pursuant to Sections 60605  
3 and 60851 and any other statewide standards authorized in statute  
4 or pupil assessments applicable to pupils in noncharter public  
5 schools. Pupil progress shall be measured in the same manner as  
6 for noncharter schools.

7 (2) Charter schools shall, on a regular basis, consult with their  
8 parents, legal guardians, and teachers regarding the school's  
9 educational programs.

10 (d) (1) In addition to any other requirement imposed under this  
11 part, a charter school shall be nonsectarian in its programs,  
12 admission policies, employment practices, and all other operations,  
13 shall not charge tuition, and shall not discriminate against any  
14 pupil on the basis of the characteristics listed in Section 220. Except  
15 as provided in paragraph (2), admission to a charter school shall  
16 not be determined according to the place of residence of the pupil,  
17 or of his or her parent or legal guardian, within this state, except  
18 that an existing public school converting partially or entirely to a  
19 charter school under this part shall adopt and maintain a policy  
20 giving admission preference to pupils who reside within the former  
21 attendance area of that public school.

22 (2) (A) A charter school shall admit all pupils who wish to  
23 attend the school.

24 (B) However, if the number of pupils who wish to attend the  
25 charter school exceeds the school's capacity, attendance, except  
26 for existing pupils of the charter school, shall be determined by a  
27 public random drawing. Preference shall be extended to pupils  
28 currently attending the charter school and pupils who reside in the  
29 district except as provided for in Section 47614.5. Other  
30 preferences may be permitted by the chartering authority on an  
31 individual school basis and only if consistent with the law.

32 (C) In the event of a drawing, the chartering authority shall  
33 make reasonable efforts to accommodate the growth of the charter  
34 school and in no event shall take any action to impede the charter  
35 school from expanding enrollment to meet pupil demand.

36 (3) If a pupil is expelled or leaves the charter school without  
37 graduating or completing the school year for any reason, the charter  
38 school shall notify the superintendent of the school district of the  
39 pupil's last known address within 30 days, and shall, upon request,  
40 provide that school district with a copy of the cumulative record

1 of the pupil, including a transcript of grades or report card, and  
2 health information. This paragraph applies only to pupils subject  
3 to compulsory full-time education pursuant to Section 48200.

4 (e) The governing board of a school district shall not require  
5 any employee of the school district to be employed in a charter  
6 school.

7 (f) The governing board of a school district shall not require  
8 any pupil enrolled in the school district to attend a charter school.

9 (g) The governing board of a school district shall require that  
10 the petitioner or petitioners provide information regarding the  
11 proposed operation and potential effects of the school, including,  
12 but not limited to, the facilities to be utilized by the school, the  
13 manner in which administrative services of the school are to be  
14 provided, and potential civil liability effects, if any, upon the school  
15 and upon the school district. The description of the facilities to be  
16 used by the charter school shall specify where the school intends  
17 to locate. The petitioner or petitioners shall also be required to  
18 provide financial statements that include a proposed first-year  
19 operational budget, including startup costs, and cashflow and  
20 financial projections for the first three years of operation.

21 (h) In reviewing petitions for the establishment of charter  
22 schools within the school district, the governing board of the school  
23 district shall give preference to petitions that demonstrate the  
24 capability to provide comprehensive learning experiences to pupils  
25 identified by the petitioner or petitioners as academically  
26 low-achieving pursuant to the standards established by the  
27 department under Section 54032 as it read prior to July 19, 2006.

28 (i) Upon the approval of the petition by the governing board of  
29 the school district, the petitioner or petitioners shall provide written  
30 notice of that approval, including a copy of the petition, to the  
31 applicable county superintendent of schools, the department, and  
32 the state board.

33 (j) (1) If the governing board of a school district denies a  
34 petition, the petitioner may elect to submit the petition for the  
35 establishment of a charter school to the county board of education.  
36 The county board of education shall review the petition pursuant  
37 to subdivision (b). If the petitioner elects to submit a petition for  
38 establishment of a charter school to the county board of education  
39 and the county board of education denies the petition, the petitioner  
40 may file a petition for establishment of a charter school with the

1 state board, and the state board may approve the petition, in  
2 accordance with subdivision (b). A charter school that receives  
3 approval of its petition from a county board of education or from  
4 the state board on appeal shall be subject to the same requirements  
5 concerning geographic location to which it would otherwise be  
6 subject if it received approval from the entity to which it originally  
7 submitted its petition. A charter petition that is submitted to either  
8 a county board of education or to the state board shall meet all  
9 otherwise applicable petition requirements, including the  
10 identification of the proposed site or sites where the charter school  
11 will operate.

12 (2) In assuming its role as a chartering agency, the state board  
13 shall develop criteria to be used for the review and approval of  
14 charter school petitions presented to the state board. The criteria  
15 shall address all elements required for charter approval, as  
16 identified in subdivision (b) and shall define “reasonably  
17 comprehensive” as used in paragraph (5) of subdivision (b) in a  
18 way that is consistent with the intent of this part. Upon satisfactory  
19 completion of the criteria, the state board shall adopt the criteria  
20 on or before June 30, 2001.

21 (3) A charter school for which a charter is granted by either the  
22 county board of education or the state board based on an appeal  
23 pursuant to this subdivision shall qualify fully as a charter school  
24 for all funding and other purposes of this part.

25 (4) If either the county board of education or the state board  
26 fails to act on a petition within 120 days of receipt, the decision  
27 of the governing board of the school district to deny a petition  
28 shall, thereafter, be subject to judicial review.

29 (5) The state board shall adopt regulations implementing this  
30 subdivision.

31 (6) Upon the approval of the petition by the county board of  
32 education, the petitioner or petitioners shall provide written notice  
33 of that approval, including a copy of the petition to the department  
34 and the state board.

35 (k) (1) The state board may, by mutual agreement, designate  
36 its supervisorial and oversight responsibilities for a charter school  
37 approved by the state board to any local educational agency in the  
38 county in which the charter school is located or to the governing  
39 board of the school district that first denied the petition.

1 (2) The designated local educational agency shall have all  
2 monitoring and supervising authority of a chartering agency,  
3 including, but not limited to, powers and duties set forth in Section  
4 47607, except the power of revocation, which shall remain with  
5 the state board.

6 (3) A charter school that has been granted its charter through  
7 an appeal to the state board and elects to seek renewal of its charter  
8 shall, prior to expiration of the charter, submit its petition for  
9 renewal to the governing board of the school district that initially  
10 denied the charter. If the governing board of the school district  
11 denies the school's petition for renewal, the school may petition  
12 the state board for renewal of its charter.

13 (l) Teachers in charter schools shall hold a Commission on  
14 Teacher Credentialing certificate, permit, or other document  
15 equivalent to that which a teacher in other public schools would  
16 be required to hold. These documents shall be maintained on file  
17 at the charter school and are subject to periodic inspection by the  
18 chartering authority. It is the intent of the Legislature that charter  
19 schools be given flexibility with regard to noncore, noncollege  
20 preparatory courses.

21 (m) A charter school shall transmit a copy of its annual,  
22 independent financial audit report for the preceding fiscal year, as  
23 described in subparagraph (H) of paragraph (5) of subdivision (b),  
24 to its chartering entity, the Controller, the county superintendent  
25 of schools of the county in which the charter school is sited, unless  
26 the county board of education of the county in which the charter  
27 school is sited is the chartering entity, and the department by  
28 December 15 of each year. This subdivision does not apply if the  
29 audit of the charter school is encompassed in the audit of the  
30 chartering entity pursuant to Section 41020.

31 SEC. 5. Section 47605.6 of the Education Code is amended to  
32 read:

33 47605.6. (a) (1) In addition to the authority provided by  
34 Section 47605.5, a county board of education may also approve a  
35 petition for the operation of a charter school that operates at one  
36 or more sites within the geographic boundaries of the county and  
37 that provides instructional services that are not generally provided  
38 by a county office of education. A county board of education may  
39 only approve a countywide charter if it finds, in addition to the  
40 other requirements of this section, that the educational services to

1 be provided by the charter school will offer services to a pupil  
2 population that will benefit from those services and that cannot be  
3 served as well by a charter school that operates in only one school  
4 district in the county. A petition for the establishment of a  
5 countywide charter school pursuant to this subdivision may be  
6 circulated throughout the county by any one or more persons  
7 seeking to establish the charter school. The petition may be  
8 submitted to the county board of education for review after either  
9 of the following conditions are met:

10 (A) The petition has been signed by a number of parents or  
11 guardians of pupils residing within the county that is equivalent  
12 to at least one-half of the number of pupils that the charter school  
13 estimates will enroll in the school for its first year of operation and  
14 each of the school districts where the charter school petitioner  
15 proposes to operate a facility has received at least 30 days notice  
16 of the petitioner's intent to operate a school pursuant to this section.

17 (B) The petition has been signed by a number of teachers that  
18 is equivalent to at least one-half of the number of teachers that the  
19 charter school estimates will be employed at the school during its  
20 first year of operation and each of the school districts where the  
21 charter school petitioner proposes to operate a facility has received  
22 at least 30 days notice of the petitioner's intent to operate a school  
23 pursuant to this section.

24 (2) An existing public school may not be converted to a charter  
25 school in accordance with this section.

26 (3) After receiving approval of its petition, a charter school that  
27 proposes to establish operations at additional sites within the  
28 geographic boundaries of the county board of education shall notify  
29 the school districts where those sites will be located. The charter  
30 school shall also request a material revision of its charter by the  
31 county board of education that approved its charter and the county  
32 board shall consider whether to approve those additional locations  
33 at an open, public meeting, held no sooner than 30 days following  
34 notification of the school districts where the sites will be located.  
35 If approved, the location of the approved sites shall be a material  
36 revision of the school's approved charter.

37 (4) A petition shall include a prominent statement indicating  
38 that a signature on the petition means that the parent or guardian  
39 is meaningfully interested in having his or her child or ward attend  
40 the charter school, or in the case of a teacher's signature, means

1 that the teacher is meaningfully interested in teaching at the charter  
2 school. The proposed charter shall be attached to the petition.

3 (b) No later than 60 days after receiving a petition, in accordance  
4 with subdivision (a), the county board of education shall hold a  
5 public hearing on the provisions of the charter, at which time the  
6 county board of education shall consider the level of support for  
7 the petition by teachers, parents or guardians, and the school  
8 districts where the charter school petitioner proposes to place  
9 school facilities. Following review of the petition and the public  
10 hearing, the county board of education shall either grant or deny  
11 the charter within 90 days of receipt of the petition. However, this  
12 date may be extended by an additional 30 days if both parties agree  
13 to the extension. A county board of education may impose any  
14 additional requirements beyond those required by this section that  
15 it considers necessary for the sound operation of a countywide  
16 charter school. A county board of education may grant a charter  
17 for the operation of a school under this part only if the board is  
18 satisfied that granting the charter is consistent with sound  
19 educational practice and that the charter school has reasonable  
20 justification for why it could not be established by petition to a  
21 school district pursuant to Section 47605. The county board of  
22 education shall deny a petition for the establishment of a charter  
23 school if the board finds, one or more of the following:

24 (1) The charter school presents an unsound educational program  
25 for the pupils to be enrolled in the charter school.

26 (2) The petitioners are demonstrably unlikely to successfully  
27 implement the program set forth in the petition.

28 (3) The petition does not contain the number of signatures  
29 required by subdivision (a).

30 (4) The petition does not contain an affirmation of each of the  
31 conditions described in subdivision (d).

32 (5) The petition does not contain reasonably comprehensive  
33 descriptions of all of the following:

34 (A) (i) A description of the educational program of the school,  
35 designed, among other things, to identify those pupils whom the  
36 school is attempting to educate, what it means to be an “educated  
37 person” in the 21st century, and how learning best occurs. The  
38 goals identified in that program shall include the objective of  
39 enabling pupils to become self-motivated, competent, and lifelong  
40 learners.

(ii) If the proposed charter school will enroll high school pupils, a description of the manner in which the manner in which the charter school will inform parents regarding the transferability of courses to other public high schools. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered to be transferable to other public high schools.

(iii) If the proposed charter school will enroll high school pupils, information as to the manner in which the charter school will inform parents as to whether each individual course offered by the charter school meets college entrance requirements. Courses approved by the University of California or the California State University as satisfying their prerequisites for admission may be considered as meeting college entrance requirements for purposes of this clause.

(B) The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program.

(C) The location of each charter school facility that the petitioner proposes to operate.

(D) The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the school.

(F) The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237.

(G) The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

(H) The manner in which annual, independent, financial audits shall be conducted, in accordance with regulations established by the State Board of Education, and the manner in which audit exceptions and deficiencies shall be resolved, consistent with the

1 supplement to the audit guide adopted pursuant to subdivision (g)  
2 of Section 14502.1.

3 (I) The procedures by which pupils can be suspended or  
4 expelled.

5 (J) The manner by which staff members of the charter schools  
6 will be covered by the State Teachers' Retirement System, the  
7 Public Employees' Retirement System, or federal social security.

8 (K) The procedures to be followed by the charter school and  
9 the county board of education to resolve disputes relating to  
10 provisions of the charter.

11 (L) A declaration whether or not the charter school shall be  
12 deemed the exclusive public school employer of the employees of  
13 the charter school for the purposes of the Educational Employment  
14 Relations Act (Chapter 10.7 (commencing with Section 3540) of  
15 Division 4 of Title 1 of the Government Code).

16 (M) Admission requirements, of the charter school, if applicable.

17 (N) The public school attendance alternatives for pupils residing  
18 within the county who choose not to attend the charter school.

19 (O) A description of the rights of an employee of the county  
20 office of education, upon leaving the employment of the county  
21 office of education, to be employed by the charter school, and a  
22 description of any rights of return to the county office of education  
23 that an employee may have upon leaving the employ of the charter  
24 school.

25 (P) A description of the procedures to be used if the charter  
26 school closes. The procedures shall ensure a final audit of the  
27 school to determine the disposition of all assets and liabilities of  
28 the charter school, including plans for disposing of any net assets  
29 and for the maintenance and transfer of public records.

30 (6) For purposes of assuring high-performing charter schools  
31 pursuant to the federal Race to the Top regulations and guidelines,  
32 the petitioner has operated another charter school for at least three  
33 consecutive years, and any of the following have occurred:

34 (A) The charter school has demonstrated academic achievement  
35 equivalent to a persistently lowest-achieving school as set forth in  
36 subdivision (b) of Section 53400.

37 ~~(B) The charter school has not been renewed.~~

38 ~~(C) The school has had its charter revoked.~~

39 *(B) The charter school completed its first renewal cycle and*  
40 *was not renewed by the authorizing entity or the state board.*

1 (C) *The school has had its charter revoked, and the charter was*  
2 *not restored by the state board.*

3 (7) Any other basis that the board finds justifies the denial of  
4 the petition.

5 (c) A county board of education that approves a petition for the  
6 operation of a countywide charter may, as a condition of charter  
7 approval, enter into an agreement with a third party, at the expense  
8 of the charter school, to oversee, monitor, and report to the county  
9 board of education on the operations of the charter school. The  
10 county board of education may prescribe the aspects of the charter  
11 school's operations to be monitored by the third party and may  
12 prescribe appropriate requirements regarding the reporting of  
13 information concerning the operations of the charter school to the  
14 county board of education.

15 (d) (1) Charter schools shall meet all statewide standards and  
16 conduct the pupil assessments required pursuant to Section 60605  
17 and any other statewide standards authorized in statute or pupil  
18 assessments applicable to pupils in noncharter public schools.  
19 Pupil progress shall be measured in the same manner as for  
20 noncharter schools.

21 (2) Charter schools shall on a regular basis consult with their  
22 parents and teachers regarding the school's educational programs.

23 (e) (1) In addition to any other requirement imposed under this  
24 part, a charter school shall be nonsectarian in its programs,  
25 admission policies, employment practices, and all other operations,  
26 shall not charge tuition, and shall not discriminate against any  
27 pupil on the basis of ethnicity, national origin, gender, or disability.  
28 Except as provided in paragraph (2), admission to a charter school  
29 shall not be determined according to the place of residence of the  
30 pupil, or of his or her parent or guardian, within this state.

31 (2) (A) A charter school shall admit all pupils who wish to  
32 attend the school.

33 (B) However, if the number of pupils who wish to attend the  
34 charter school exceeds the school's capacity, attendance, except  
35 for existing pupils of the charter school, shall be determined by a  
36 public random drawing. Preference shall be extended to pupils  
37 currently attending the charter school and pupils who reside in the  
38 county except as provided for in Section 47614.5. Other preferences  
39 may be permitted by the chartering authority on an individual  
40 school basis and only if consistent with the law.

1 (C) In the event of a drawing, the county board of education  
2 shall make reasonable efforts to accommodate the growth of the  
3 charter school and, in no event, shall take any action to impede  
4 the charter school from expanding enrollment to meet pupil  
5 demand.

6 (f) No county board of education shall require any employee of  
7 the county or a school district to be employed in a charter school.

8 (g) No county board of education shall require any pupil enrolled  
9 in a county program to attend a charter school.

10 (h) The county board of education shall require that the  
11 petitioner or petitioners provide information regarding the proposed  
12 operation and potential effects of the school, including, but not  
13 limited to, the facilities to be utilized by the school, the manner in  
14 which administrative services of the school are to be provided,  
15 and potential civil liability effects, if any, upon the school, any  
16 school district where the charter school may operate and upon the  
17 county board of education. The petitioner or petitioners shall also  
18 be required to provide financial statements that include a proposed  
19 first-year operational budget, including startup costs, and cashflow  
20 and financial projections for the first three years of operation.

21 (i) In reviewing petitions for the establishment of charter schools  
22 within the county, the county board of education shall give  
23 preference to petitions that demonstrate the capability to provide  
24 comprehensive learning experiences to pupils identified by the  
25 petitioner or petitioners as academically low-achieving pursuant  
26 to the standards established by the State Department of Education  
27 under Section 54032.

28 (j) Upon the approval of the petition by the county board of  
29 education, the petitioner or petitioners shall provide written notice  
30 of that approval, including a copy of the petition, to the school  
31 districts within the county, the Superintendent of Public Instruction  
32 and to the State Board of Education.

33 (k) If a county board of education denies a petition, the petitioner  
34 may not elect to submit the petition for the establishment of the  
35 charter school to the State Board of Education.

36 (l) Teachers in charter schools shall be required to hold a  
37 Commission on Teacher Credentialing certificate, permit, or other  
38 document equivalent to that which a teacher in other public schools  
39 would be required to hold. These documents shall be maintained

1 on file at the charter school and shall be subject to periodic  
2 inspection by the chartering authority.

3 (m) A charter school shall transmit a copy of its annual,  
4 independent, financial audit report for the preceding fiscal year,  
5 as described in subparagraph (H) of paragraph (5) of subdivision  
6 (b), to the County Office of Education, State Controller and the  
7 State Department of Education by December 15 of each year. This  
8 subdivision shall not apply if the audit of the charter school is  
9 encompassed in the audit of the chartering entity pursuant to  
10 Section 41020.

11 SEC. 6. Section 47607 of the Education Code is amended to  
12 read:

13 47607. (a) (1) A charter may be granted pursuant to Sections  
14 47605, 47605.5, and 47606 for a period not to exceed five years.  
15 A charter granted by a school district governing board, a county  
16 board of education or the state board, may be granted one or more  
17 subsequent renewals by that entity. Each renewal shall be for a  
18 period of five years. A material revision of the provisions of a  
19 charter petition may be made only with the approval of the  
20 authority that granted the charter. The authority that granted the  
21 charter may inspect or observe any part of the charter school at  
22 any time.

23 (2) Renewals and material revisions of charters are governed  
24 by the standards and criteria in Section 47605, and shall include,  
25 but not be limited to, a reasonably comprehensive description of  
26 any new requirement of charter schools enacted into law after the  
27 charter was originally granted or last renewed.

28 (3) Consistent with the federal Race to the Top regulations and  
29 guidelines, the chartering authority that authorizes a charter school  
30 shall consider, as one factor in determining whether to grant a  
31 renewal, the degree to which a charter school serves pupil  
32 populations that are similar to local district pupil populations,  
33 especially with regard to high-need students as that term is defined  
34 in the federal Race to the Top regulations and guidelines.

35 (b) Commencing on January 1, 2005, or after a charter school  
36 has been in operation for four years, whichever date occurs later,  
37 a charter school shall meet at least one of the following criteria  
38 prior to receiving a charter renewal pursuant to paragraph (1) of  
39 subdivision (a):

1 (1) Attained its Academic Performance Index (API) schoolwide  
2 and subgroup growth targets in the prior year or in two of the last  
3 three years, or in the aggregate for the prior three years.

4 (2) Ranked in deciles 4 to 10, inclusive, on the API in the prior  
5 year or in two of the last three years.

6 (3) Ranked in deciles 4 to 10, inclusive, on the API for a  
7 demographically comparable school in the prior year or in two of  
8 the last three years.

9 (4) Attained positive growth in its API schoolwide and for each  
10 subgroup in the prior year or in two of the last three years, or in  
11 the aggregate for the prior three years.

12 (5) Has qualified for an alternative accountability system  
13 pursuant to subdivision (h) of Section 52052.

14 (c) Notwithstanding subdivision (a), for purposes of achieving  
15 high-performing charter schools consistent with the federal Race  
16 to the Top regulations and guidelines, a chartering authority shall  
17 not do either of the following:

18 (1) Grant a renewal of a charter school for a period longer than  
19 three years if that charter school is in program improvement,  
20 pursuant to the federal No Child Left Behind Act of 2001 (20  
21 U.S.C. Sec. 6301 et seq.).

22 (2) Grant a renewal of a charter school in year five of program  
23 improvement, pursuant to the federal No Child Left Behind Act  
24 of 2001 (20 U.S.C. Sec. 6301 et seq.), unless that school has  
25 experienced academic growth of at least 50 points over the previous  
26 five years as measured by the Academic Performance Index.

27 (d) A charter may be revoked by the authority that granted the  
28 charter under this chapter if the authority finds, through a showing  
29 of substantial evidence, that the charter school did any of the  
30 following:

31 (1) Committed a material violation of any of the conditions,  
32 standards, or procedures set forth in the charter.

33 (2) Failed to meet or pursue any of the pupil outcomes identified  
34 in the charter.

35 (3) Failed to meet generally accepted accounting principles, or  
36 engaged in fiscal mismanagement.

37 (4) Violated any provision of law.

38 (e) Prior to revocation, the authority that granted the charter  
39 shall notify the charter public school of any violation of this section  
40 and give the school a reasonable opportunity to remedy the

1 violation, unless the authority determines, in writing, that the  
2 violation constitutes a severe and imminent threat to the health or  
3 safety of the pupils.

4 (f) Prior to revoking a charter for failure to remedy a violation  
5 pursuant to subdivision (e), and after expiration of the school's  
6 reasonable opportunity to remedy without successfully remedying  
7 the violation, the chartering authority shall provide a written notice  
8 of intent to revoke and notice of facts in support of revocation to  
9 the charter school. No later than 30 days after providing the notice  
10 of intent to revoke a charter, the chartering authority shall hold a  
11 public hearing, in the normal course of business, on the issue of  
12 whether evidence exists to revoke the charter. No later than 30  
13 days after the public hearing, the chartering authority shall issue  
14 a final decision to revoke or decline to revoke the charter, unless  
15 the chartering authority and the charter school agree to extend the  
16 issuance of the decision by an additional 30 days. The chartering  
17 authority shall not revoke a charter, unless it makes written factual  
18 findings supported by substantial evidence, specific to the charter  
19 school, that support its findings.

20 (g) (1) If a school district is the chartering authority and it  
21 revokes a charter pursuant to this section, the charter school may  
22 appeal the revocation to the county board of education within 30  
23 days following the final decision of the chartering authority.

24 (2) The county board may reverse the revocation decision if the  
25 county board determines that the findings made by the chartering  
26 authority under subdivision (f) are not supported by substantial  
27 evidence. The school district may appeal the reversal to the state  
28 board.

29 (3) If the county board does not issue a decision on the appeal  
30 within 90 days of receipt, or the county board upholds the  
31 revocation, the charter school may appeal the revocation to the  
32 state board.

33 (4) The state board may reverse the revocation decision if the  
34 state board determines that the findings made by the chartering  
35 authority under subdivision (f) are not supported by substantial  
36 evidence. The state board may uphold the revocation decision of  
37 the school district if the state board determines that the findings  
38 made by the chartering authority under subdivision (f) are  
39 supported by substantial evidence.

1 (h) (1) If a county office of education is the chartering authority  
2 and the county board revokes a charter pursuant to this section,  
3 the charter school may appeal the revocation to the state board  
4 within 30 days following the decision of the chartering authority.

5 (2) The state board may reverse the revocation decision if the  
6 state board determines that the findings made by the chartering  
7 authority under subdivision (f) are not supported by substantial  
8 evidence.

9 (i) If the revocation decision of the chartering authority is  
10 reversed on appeal, the agency that granted the charter shall  
11 continue to be regarded as the chartering authority.

12 (j) During the pendency of an appeal filed under this section, a  
13 charter school, whose revocation proceedings are based on  
14 paragraph (1) or (2) of subdivision (d), shall continue to qualify  
15 as a charter school for funding and for all other purposes of this  
16 part, and may continue to hold all existing grants, resources, and  
17 facilities, in order to ensure that the education of pupils enrolled  
18 in the school is not disrupted.

19 (k) Immediately following the decision of a county board to  
20 reverse a decision of a school district to revoke a charter, the  
21 following shall apply:

22 (1) The charter school shall qualify as a charter school for  
23 funding and for all other purposes of this part.

24 (2) The charter school may continue to hold all existing grants,  
25 resources, and facilities.

26 (3) Any funding, grants, resources, and facilities that had been  
27 withheld from the charter school, or that the charter school had  
28 otherwise been deprived of use, as a result of the revocation of the  
29 charter shall be immediately reinstated or returned.

30 (l) A final decision of a revocation or appeal of a revocation  
31 pursuant to subdivision (d) shall be reported to the chartering  
32 authority, the county board, and the department.

33 SEC. 7. Section 47630.6 is added to the Education Code, to  
34 read:

35 47630.6. (a) By December 31 of each fiscal year, the Controller  
36 shall publish a directory of certified public accountants and public  
37 accountants deemed by the Controller to be qualified to conduct  
38 audits of charter schools. Each audit of a charter school conducted  
39 pursuant to this part shall be conducted by a certified public

1 accountant or public accountant selected by the charter school  
2 from the directory established pursuant to this subdivision.

3 (b) Except as provided in subdivision (d) of Section 41320.1,  
4 it is unlawful for a public accounting firm to provide audit services  
5 to a charter school if the lead audit partner, or coordinating audit  
6 partner, having primary responsibility for the audit, or the audit  
7 partner responsible for reviewing the audit, has performed audit  
8 services for that charter school in each of the six previous fiscal  
9 years.

10 (c) It is the intent of the Legislature that, notwithstanding  
11 subdivision (b), the rotation within public accounting firms  
12 conforms to provisions of the federal Sarbanes-Oxley Act of 2002  
13 (Public Law 107-204; 15 U.S.C. Sec. 7201 et seq.).

14 SEC. 8. Chapter 18 (commencing with Section 53100) is added  
15 to Part 28 of Division 4 of Title 2 of the Education Code, to read:

16  
17 CHAPTER 18. RACE TO THE TOP

18  
19 Article 1. Intent and Declarations

20  
21 53100. It is the intent of the Legislature to accomplish all of  
22 the following:

23 (a) Implement policies to improve the educational services and  
24 opportunities for all pupils in California's schools.

25 (b) Adopt high-quality standards and assessments that prepare  
26 pupils to succeed in college, the workplace, and the global  
27 economy, that reflect what those pupils know and can do, and that  
28 reflect the common goals of other state partners.

29 (c) Continue to expand the state's educational data systems so  
30 as to measure pupil growth and success, and inform teachers,  
31 principals, and parents about how they can improve each pupil's  
32 instruction and learning.

33 (d) Recruit, prepare, develop, retain, train for continual  
34 improvement, and reward effective teachers and principals,  
35 especially in the state's lowest performing schools.

36 (e) Turn around the state's persistently lowest-achieving schools  
37 by clearly identifying them, presenting them with alternative  
38 models for reform, and supporting the school-level cultural change  
39 that is necessary for successful school reform.

1 (f) Lay the statutory foundation for a successful state application  
2 to secure a competitive grant award from the federal Race to the  
3 Top Fund.

4 53101. It is the intent of the Legislature that the state  
5 application submitted under the Race to the Top program,  
6 authorized as the State Incentive Grant Fund under the federal  
7 American Recovery and Reinvestment Act of 2009 (Public Law  
8 111-5), commit the state to accomplishing all of the following:

9 (a) Move forward in addressing all four core education reform  
10 priorities established under the Race to the Top program.

11 (b) Create a vision for educational reform that is consistent with  
12 state statute and with the intent stated in this act.

13 (c) Revise state content standards to incorporate the common  
14 set of standards being developed by the Common Core State  
15 Standards Initiative consortium *or other interstate collaboration*  
16 *in which the state participates*, or adopt those common standards.

17 (d) Implement common assessments developed as a result of  
18 that common set of standards.

19 (e) Continue development of the state's education information  
20 system and the local use of data to improve instruction.

21 (f) Develop great teachers and leaders.

22 (g) Turn around persistently lowest-achieving schools by  
23 supporting the reform efforts in those schools and providing  
24 incentives for reform, rather than by mandating change.

25 (h) Make the adequate and equitable funding of education a  
26 priority.

27 (i) Remove barriers to establishing and maintaining high-quality  
28 charter schools, while implementing accountability policies that  
29 will ensure that all charter schools are of high quality.

30 (j) Continue to emphasize the importance of science, technology,  
31 engineering, and mathematics education, particularly among those  
32 pupils who have been historically underrepresented in those areas.

33 53102. It is the intent of the Legislature to accomplish all of  
34 the following:

35 (a) Ensure that the state continues its participation in the  
36 Common Core State Standards Initiative, a joint effort by the  
37 National Governors Association Center for Best Practices and the  
38 Council of Chief State School Officers, *or any other interstate*  
39 *collaboration to develop common standards or assessments*, the  
40 purpose of which is to develop a common core of state standards

1 in English language arts and mathematics that are research and  
2 evidence-based, internationally benchmarked, aligned with college  
3 and work expectations, and include rigorous content and skills.

4 (b) Establish a process, consistent with federal priorities,  
5 requirements, definitions, and selection criteria for the Race to the  
6 Top program, to review and revise the state's academic content  
7 standards in kindergarten and grades 1 to 12, inclusive, to align  
8 the state standards with the common set of standards developed  
9 by the Common Core State Standards Initiative consortium  
10 sponsored by the National Governors Association and the Council  
11 of Chief State School Officers *or other interstate collaboration in*  
12 *which the state participates*.

13 (c) Extend the existing state assessment system by one year in  
14 order to incorporate developing federal initiatives and changes in  
15 federal law into that reauthorization.

16 (d) Develop a plan for transitioning to a system of high-quality  
17 assessments that aligns with the standards adopted or revised  
18 pursuant to this act and thus reflecting any set of standards  
19 developed by the Common Core State Standards Initiative  
20 consortium, *or other interstate collaboration in which the state*  
21 *participates* implements and incorporates any common assessments  
22 aligned with those standards, enables the valid, reliable, and fair  
23 measurement of pupil achievement at a point in time and over time  
24 for all subgroups and individuals, supports longitudinal  
25 comparisons of pupil scores, and reflects the state's 40-year  
26 commitment to quality assessment.

27 (e) Support the development or use of formative and interim  
28 assessments at the local level as part of a continuing instructional  
29 improvement program that provides immediate and useful  
30 information to teachers, principals, administrators, and parents to  
31 be used to tailor instructional practices to best meet the needs of  
32 each pupil.

33 53103. The Legislature finds and declares all of the following:

34 (a) California's pupils need and deserve access to instructional  
35 programs that reflect the knowledge and skills that will prepare  
36 them to be successful in college, careers, and the global economy.

37 (b) To ensure that all pupils are provided with resources and  
38 learning expectations necessary to succeed and be competitive in  
39 the 21st century, it is imperative that the state's academic content  
40 standards, the backbone of the curriculum and assessment system,

1 are high quality, research and evidence-based and internationally  
2 benchmarked.

3 (c) The state has a 40-year history of comprehensive statewide  
4 assessment of pupils in its public schools, including both of the  
5 following:

6 (1) The California Assessment Program, which tested California  
7 pupils for more than 20 years.

8 (2) The state's current testing system that combines grade level  
9 and course specific tests in grades 2 to 11, inclusive, alternative  
10 and modified assessments for pupils with special needs, primary  
11 language content tests in Spanish, an English language  
12 development test, a high school exit examination, and physical  
13 fitness tests.

14 (d) Extending much of the state assessment system by an  
15 additional year will allow the Legislature to examine current federal  
16 initiatives, including the Race to the Top and the call for the  
17 development of common assessments, and to learn more about  
18 developing changes to federal law, including the reauthorization  
19 of the federal Elementary and Secondary Education Act, before  
20 considering proposals for the reauthorization of the state assessment  
21 system.

22 53104. It is the intent of the Legislature to accomplish both of  
23 the following:

24 (a) Continue to build the statewide education information system  
25 and support the development of local educational data systems to  
26 provide the information necessary to inform and improve  
27 instruction, and to allow for the understanding, evaluation, and  
28 analysis of complex education policy and fiscal issues.

29 (b) Support the collection, analysis, and use of data at the local  
30 level as part of a continuing instructional improvement program  
31 that allows teachers, principals, administrators, and parents to  
32 collaborate and differentiate instructional practices to best meet  
33 the needs of pupils.

34 53105. The Legislature finds and declares that:

35 (a) The state, with the enactment of Chapter 159 of the Statutes  
36 of 2009, has removed all barriers at the state level to linking data  
37 on pupil achievement or pupil growth to teachers and principals  
38 for the purpose of teacher and principal evaluation.

39 (b) The Legislature has previously stated, pursuant to Chapter  
40 561 of the Statutes of 2008, and has been acting on, the intent to

1 design and implement a high-quality, comprehensive, and  
2 longitudinal education data system for California that will  
3 accomplish all of the following:

4 (1) Support a system of continuous learning by delivering timely,  
5 reliable, user-friendly, and relevant information to schoolsite and  
6 school district leaders, county offices of education, higher  
7 education leaders, teachers and faculty, education program  
8 providers, policymakers, researchers, parents, pupils, and the public  
9 at large.

10 (2) Provide educators and parents with the tools, reports, and  
11 assistance needed to inform instruction and learning.

12 (3) Integrate data from disparate sources.

13 (4) Anticipate and provide the technological capacity for the  
14 sharing of appropriate noneducation data from other state sources  
15 such as health, welfare, juvenile justice, corrections, and  
16 employment agencies, the analysis of which is necessary to fully  
17 understand critical education policy and education finance  
18 questions.

19 (c) In 2002 the state authorized implementation of a longitudinal  
20 data system for pupils in kindergarten and grades 1 to 12, inclusive,  
21 pursuant to Chapter 1002 of the Statutes of 2002, and now has that  
22 California Longitudinal Pupil Achievement Data System in  
23 operation.

24 (d) In 2006 the state authorized implementation of a longitudinal  
25 data system for teachers, pursuant to Chapter 840 of the Statutes  
26 of 2006, to serve as a central state repository of information on  
27 the teacher workforce, and now has the California Longitudinal  
28 Teacher Integrated Data Education System in development and  
29 testing.

30 (e) Since 2008, pursuant to Chapter 561 of the Statutes of 2008,  
31 the state has required all of the following:

32 (1) The department to establish a process to extend the state's  
33 unique student identifiers to children in all state and federally  
34 funded center based child care and development programs  
35 administered by the department.

36 (2) Each of the state's three public postsecondary education  
37 systems to develop an implementation plan and timeline for issuing  
38 and maintaining the state's unique student identifiers for students  
39 in those systems.

1 (3) The State Chief Information Officer to develop a strategic  
2 plan for implementing the data protocols and procedures to be  
3 used to link all of the state's education data systems, as well as to  
4 be used by other state agencies.

5 (4) The establishment of a working group to make  
6 recommendations related to the governance of education data,  
7 including, but not limited to, the organizational structure of the  
8 governing entity, its relationship to other agencies, the scope of  
9 its authorities and responsibilities, methods for ensuring that the  
10 governing entity's work primarily serves the purposes of  
11 educational improvement while at the same time ensuring the  
12 privacy of any data under its charge, and how the governing entity  
13 would provide access to education data for teachers, principals,  
14 administrators, parents, and education researchers.

15 53106. It is the intent of the Legislature to accomplish all of  
16 the following:

17 (a) Recruit diverse and talented teachers to provide quality  
18 instruction to each pupil in every school in the state.

19 (b) Provide multiple high-quality pathways for teacher and  
20 principal certification.

21 (c) Improve teacher and principal effectiveness.

22 (d) Support the authority for district governing boards to  
23 establish alternative compensation schedules, including  
24 performance-based pay, at the local level through collective  
25 bargaining.

26 (e) Ensure equitable access to high-quality teachers and  
27 principals to all pupils in every subject area and school.

28 53107. The Legislature finds and declares that:

29 (a) The state provides high-quality pathways for aspiring  
30 teachers and principals with a focus on teacher shortage areas by  
31 offering district intern programs (Article 7.5 (commencing with  
32 Section 44325) of Chapter 2 of Part 25), paraprofessional teacher  
33 training (Article 12 (commencing with Section 44390) of Chapter  
34 2 of Part 25), state certification for teachers with National Board  
35 for Professional Teaching Standards Certification (Article 13  
36 (commencing with Section 44395) of Chapter 12 of Part 25), the  
37 New Careers Program (Article 5 (commencing with Section 44520)  
38 of Chapter 3 of Part 25), a designated subjects career technical  
39 education teaching credential, an eminence credential, alternative  
40 certification with an emphasis on hard-to-staff subjects and

1 geographic areas, and programs designed to assist retired military  
2 personnel to enter the teaching profession pursuant to Sections  
3 44260, 44262, 44380, 44382 and 44750.

4 (b) The state has trained over 10,000 administrators since 2001  
5 as part of the Administrator Training Program (Article 4.6  
6 (commencing with Section 44510) of Chapter 3 of Part 25), and  
7 local educational agencies have been reimbursed for providing  
8 training under the Mathematics and Reading Professional  
9 Development program to over 75,000 teachers since 2001 (Article  
10 3 (commencing with Section 99230) of Chapter 5 of Part 65 of  
11 Division 14 of Title 3).

12 (c) The state has implemented rigorous, transparent, and fair  
13 evaluation systems for teachers that take into account data on  
14 student growth by requiring local governing boards to establish  
15 pupil achievement standards at each grade level and regularly  
16 evaluate teachers on pupil progress toward those standards (Article  
17 11 (commencing with Section 44660) of Chapter 3 of Part 25).

18 (d) Developing highly effective teachers and principals by  
19 providing coaching, induction support, and professional  
20 development is essential and has been achieved through the  
21 California Beginning Teacher Support and Assessment System  
22 (Article 4.5 (commencing with Section 44279.1) of Chapter 2 of  
23 Part 25) and the California Peer Assistance and Review Program  
24 for Teachers (Article 4.5 (commencing with Section 44500) of  
25 Chapter 3 of Part 25).

26 (e) Compensating, promoting, and retaining teachers by  
27 providing opportunities for highly effective teachers to obtain  
28 additional compensation can be an effective tool and has been  
29 accomplished through authorization for alternative salary schedules  
30 to be bargained at the local level pursuant to Section 45028.

31 (f) There is a need to ensure equitable distribution of effective  
32 teachers and principals in hard-to-staff subjects and in high  
33 minority and high poverty schools, and the state has authorized  
34 principals to refuse the transfer of a teacher, at schools ranked in  
35 deciles 1 to 3 on the Academic Performance Index, in order to  
36 ensure equitable distribution of the highest quality teachers at the  
37 lowest performing schools pursuant to Section 35036.

38 (g) The state has implemented the Assumption Program of Loans  
39 for Education which is designed to provide teachers with loan  
40 forgiveness to encourage them to work in subject matter shortage

1 areas or in schools serving a large population of pupils from  
2 low-income families, schools with a high percentage of teachers  
3 holding emergency, or schools ranked in the lowest two deciles  
4 on the Academic Performance Index (Article 5 (commencing with  
5 Section 69612) of Chapter 2 of Part 42 of Division 5 of Title 3).

6 (h) The state has adopted a state plan for No Child Left Behind  
7 Highly Qualified Teachers, which requires local educational  
8 agencies to ensure that poor and minority children are not taught  
9 by inexperienced, underqualified, or out-of-field teachers at higher  
10 rates than other children in the district.

11 (i) The state plan pursuant to subdivision (g) requires that when  
12 an equitable distribution of high-quality teachers and principals  
13 cannot be achieved, that the local educational agencies submit a  
14 comprehensive plan based on pupil achievement data to ensure  
15 that teachers become both highly qualified and more effective.

16 (j) The state has required schools participating in the Quality  
17 Education Investment Act of 2006 (Article 3.7 (commencing with  
18 section 52055.700) of Chapter 6.1) to maintain an equitable  
19 distribution of highly qualified experienced teachers across the  
20 district.

21 (k) Continually improving the effectiveness of teacher and  
22 principal preparation programs is central to improving the quality  
23 of teaching and learning in the classroom.

24 (l) The state is building a statewide longitudinal teacher data  
25 system to provide an understanding of the teacher workforce in  
26 the state and the effectiveness of teacher preparation programs,  
27 including, but not limited to, university and district intern programs  
28 and traditional university credentialing programs (Chapter 7  
29 (commencing with Section 10600) of Part 7).

30 (m) The regular evaluation of teacher preparation programs  
31 through program accreditation and review is integrally important,  
32 and that the state has created a regular ongoing state accreditation  
33 process for all credentialing programs (Article 10 (commencing  
34 with Section 44370) of Chapter 2 of Part 25).

35 (n) Providing effective support to teachers and principals is  
36 essential to retaining and recruiting a high-quality workforce as  
37 well as improving pupil academic success, and that the state has  
38 implemented numerous professional support programs for teachers  
39 and administrators, including, but not limited to, the Education  
40 Technology Staff Development Program (Chapter 3.34

(commencing with Section 44730) of Part 25), the Teaching As A Priority Block Grant (Chapter 3.36 (commencing with Section 44735) of Part 25), the Certificated Staff Mentoring Program (Article 6 (commencing with Section 44560) of Chapter 3 of Part 25), the subject matter projects (Article 1 (commencing with Section 99200) of Chapter 5 of Part 65); and, the professional development block grant which may be used to compensate teachers in hard-to-staff subjects such as mathematics, science, and special education (Article 5 (commencing with Section 41530) of Chapter 3.2 of Part 24).

53108. It is the intent of the Legislature that both of the following occur:

(a) The state participate in the Race to the Top program in order to bring about additional reform by identifying those schools that need the most improvement, requiring those schools to implement one of the four intervention models prescribed by the Race to the Top program, building a partnership between the federal and state governments, districts, and schools, and providing the support necessary to effect the cultural change necessary to turn those schools around.

(b) The regional consortia created pursuant to subdivision (c) of Section 53109 provide technical assistance and support to local educational agencies and schools implementing one of the four intervention models specified by the Race to the Top program.

53109. The Legislature finds and declares all of the following:

(a) Interventions for turning around low performing schools are critically important.

(b) The state has instituted pursuant to Section 52055.57, various efforts to provide resources and directions to support and encourage changes at schoolsites, including statutory requirements for corrective actions under the federal No Child Left Behind Act of 2001.

(c) In compliance with the federal No Child Left Behind Act of 2001, the state created a statewide system of school support, comprised of regional consortia, to provide technical assistance to school districts and schools in need of improvement.

(d) The state provides direct assistance to schools and districts through school assistance intervention teams, pursuant to the Immediate Intervention/Underperforming Schools and the High

1 Priority Schools Grant Programs (Sections 52059 and 52055.650),  
2 and district assistance intervention teams.

3 (e) The state recognized the need to target low performing  
4 schools by the enactment of the Quality Education Investment Act  
5 of 2006 (Article 3.7 (commencing with Section 52055.70) of  
6 Chapter 6.1), and the appropriation of three billion dollars  
7 (\$3,000,000,000) for its purposes, in order to provide resources  
8 for lower class sizes, increased access to highly qualified teachers,  
9 and availability of counselors, and increased availability of quality  
10 training programs for teachers and principals.

11 (f) Administrators and certificated and classified employees  
12 play a critical role in pupils' academic success and school reform,  
13 and the state has implemented strong credentialing requirements  
14 and mentoring programs.

15 (g) Despite these efforts a number of pupils still attend extremely  
16 low-achieving schools, and a persistent achievement gap must be  
17 addressed through policy change.

18 53110. It is the intent of the Legislature to accomplish both of  
19 the following:

20 (a) Provide adequate and equitable funding for education in the  
21 state so as to provide quality educational services and opportunities  
22 to all pupils regardless of their background or the public school  
23 they attend.

24 (b) Convene a working group to build on previous research and  
25 recommendations to produce a comprehensive plan for finance  
26 reform that will adequately and equitably support pupil  
27 achievement; such a plan should strive to simplify and improve  
28 rationality and equity in the system, support accountability through  
29 improved fiscal transparency and reporting, and support ongoing  
30 improvement and reform.

31 53111. The Legislature finds and declares all of the following:

32 (a) Both houses of the Legislature have jointly resolved, pursuant  
33 to Resolution Chapter 99 of the Statutes of 2009, to generate  
34 sufficient funds for, and allocate sufficient funds to, education so  
35 as to bring per-pupil spending up to or beyond the national average  
36 and to a level that accounts for the actual cost of educating  
37 California's diverse pupil population so that all pupils are prepared  
38 at the end of their elementary and secondary education experiences  
39 for college, careers, and successful participation in our democratic

1 institutions, without regard to their domicile or their economic,  
2 racial, or ethnic background.

3 (b) The state's current system of education finance is overly  
4 complex, poses an obstacle to transparency and effectiveness, can  
5 result in funding disparities that are not aligned to pupil, school,  
6 or educator needs, and places substantial restrictions on the use of  
7 resources by schools and districts.

8 (c) Change is needed to make the allocation of funding more  
9 rational and equitable so that revenues received by each local  
10 educational agency reflect the actual cost of educating pupils with  
11 varying needs in varying environments and so that all pupils are  
12 prepared at the end of their elementary and secondary education  
13 for college and career.

14 53112. It is the intent of the Legislature to ensure successful  
15 conditions for high-performing and high-quality charter schools  
16 by lifting the cap on the number of charter schools operating in  
17 the state, while at the same time encouraging high levels of  
18 academic performance and sound fiscal management practices  
19 among charter schools.

20 53113. The Legislature finds and declares all of the following:

21 (a) Academic accountability standards for charter schools must  
22 be as rigorous as those for traditional public schools.

23 (b) The state should ensure successful conditions for  
24 high-performing charter schools by setting academic achievement  
25 targets as a condition of charter renewal, accountability standards  
26 to identify charter schools that are not high quality, and evaluation  
27 standards to determine whether entities operating multiple charter  
28 schools are producing high-quality charter schools.

29 (c) In order to ensure the most efficient and effective use of  
30 public funds for the education of children in California, fiscal  
31 management standards for charter schools must be as rigorous as  
32 those for other schools and school districts.

33 (d) The state should ensure successful conditions for  
34 high-performing charter schools by setting standards for the  
35 auditing of, and financial reporting by, charter schools so as to  
36 provide for the transparent use of public funds.

37 (e) There is a need to encourage charter schools to serve pupil  
38 populations that are similar to local district populations, especially  
39 high-need pupils, including but not limited to, pupils with  
40 disabilities, pupils living in poverty, and English learners, and this

1 consideration should be incorporated into the charter school  
2 renewal process.

3 (f) Charter schools should have access to available school  
4 facilities and funding to secure appropriate facilities, and the state  
5 provides funding specifically for charter school facility lease  
6 programs (Chapter 3 (commencing with Section 47610) of Part  
7 26.8), requires school districts to provide adequate facilities for  
8 charter schools that request facilities pursuant to Section 47614,  
9 and has provided nine hundred million dollars (\$900,000,000) in  
10 state bond funds for new construction of charter schools.

11 53114. It is the intent of the Legislature to support and reward  
12 the educational experiences and achievements of all pupils in the  
13 fields of science, technology, engineering, and mathematics,  
14 especially those pupils from groups that have been traditionally  
15 underrepresented in those fields.

16 53115. The Legislature finds and declares all of the following:

17 (a) In order to make California's pupils competitive in the global  
18 economy, it is imperative that pupils are provided with access to  
19 quality programs in science, technology, engineering, and  
20 mathematics so as to attract more pupils into those careers.

21 (b) California has taken steps in developing programs and  
22 policies to promote relevant instruction and applied learning  
23 opportunities for pupils in subject areas that include science,  
24 technology, engineering, and mathematics.

25 (c) In 2002, the Legislature enacted legislation calling for the  
26 development of career technical education model curriculum  
27 standards and a curriculum framework, and for the standards and  
28 framework to incorporate knowledge about careers, technology,  
29 and skills required for pupil success in postsecondary education  
30 and careers.

31 (d) The career technical education standards, organized into 15  
32 industry sectors, provide a foundation for the preparation of pupils  
33 for advanced study and careers in areas that include, but are not  
34 limited to, engineering, technology, and the sciences.

35 (e) The engineering and design, the health science and medical  
36 technology, and the information technology industry sectors  
37 provide opportunities to develop career pathway programs that  
38 emphasize the areas of science, technology and engineering  
39 (Sections 51226 and 51226.1).

(f) Existing law provides for the establishment of California partnership academies (Article 5 (commencing with Section 54690) of Chapter 9 of Part 29) by providing grants for career-themed programs that include rigorous academics and career technical education with a specific career focus, and that the partnership academies integrate technical content across disciplines and involve local business and college partnerships so as to enable pupils to see the relationship between academics and their application to the field of work.

(g) The areas of science, technology, and engineering are significantly represented in the 464 existing California partnership academies.

(h) The California partnership academies offer an effective approach to providing an integrated academic and career technical education curriculum to pupils at risk of dropping out of school and to high-need pupils.

(i) Current law establishes the Health Science and Medical Technology Project (Article 10 (commencing with Section 33430) of Chapter 3 of Part 20) to enhance existing or establish new health science and medical technology career pathway programs within secondary education, including articulation with community college programs, through the provision of a coherent sequence of standards-based academic and career technical education coursework in health science and medical technology.

(j) Current law authorizes school districts to conduct programs and classes in outdoor science education and conservation education (Article 5 (commencing with Section 8760) of Chapter 4 of Part 1 of Division 1 of Title 1) within or without the boundaries of the district.

(k) Existing law creates the California State Summer School for Mathematics and Science (Chapter 3.8 (commencing with Section 8660) of Part 6 of Division 1 of Title 1) as an academic development program in mathematics and science to provide opportunities for pupils who wish to study advanced mathematics or science, or to pursue careers that require a high degree of skills and knowledge in mathematics or science.

(l) Current law establishes the California Summer Science and Technology Academy pursuant to Section 8631 as a statewide program that identifies public high school pupils with high academic potential in mathematics, science, and technology, with

1 an emphasis on females and minority members, to participate in  
2 university-based research programs, and specifies that special  
3 consideration shall be given to recruiting pupils who are  
4 participants in the Mathematics, Engineering, and Science  
5 Achievement program.

6 (m) The Legislature enacted legislation in 1997 that created a  
7 statewide program to provide incentives to create digital high  
8 schools (Chapter 8.5 (commencing with Section 52250)).

9 53116. It is the intent of the Legislature to recognize the role  
10 early childhood education plays in closing the achievement gap,  
11 ensuring that children are prepared to enter kindergarten, and  
12 ensuring pupil academic success.

13 53117. The Legislature finds and declares all of the following:

14 (a) The state values early childhood education by establishing  
15 and funding state preschool programs, that provide services to  
16 500,000 children annually.

17 (b) The state recognizes the linkages between preschool and the  
18 K-12 school system by expanding the state's unique identifier and  
19 data system to include center based programs contracting with the  
20 state pursuant to Section 10802, and instructing state-funded  
21 preschool programs to provide the parent or guardian of a child  
22 transferring to a local public school with information that will  
23 beneficial to the pupil and the kindergarten teacher pursuant to  
24 Section 8282.

25 (c) The state has attempted to streamline the administration of  
26 state-funded preschool programs by consolidating state-funded  
27 programs serving children ages three and four into the state  
28 preschool programs pursuant to Section 8235.

29 (d) The state recognizes the importance of quality by  
30 establishing, pursuant to Section 83007, an Early Learning Quality  
31 Improvement System advisory committee to develop  
32 recommendations on how the state can ensure that all children  
33 have access to high-quality services.

34 (e) The state provides child care facilities assistance through  
35 the Child Care Facilities Revolving Fund to provide funding for  
36 the renovation, repair, or improvement of an existing building and  
37 for the purchase of new relocatable child care facilities for lease  
38 to school districts and contracting agencies that provide child care  
39 and development services pursuant to Section 8278.3.

## Article 2. General Provisions

53200. For the purposes of implementing the federal Race to the Top program established by the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5), the Superintendent of Public Instruction may enter into a memorandum of understanding with a local educational agency that is approved by the governing board of that local educational agency and is consistent with the requirements of this act and the guidelines for the Race to the Top program issued by the United States Secretary of Education.

53201. (a) The state plan or plans for the Race to the Top program submitted to the United States Secretary of Education pursuant to the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) shall meet the requirements set forth in the act adding this section.

(b) The Department of Finance, within 10 days of submission of the plan to the United States Secretary of Education, shall provide the appropriate policy and fiscal committees of both houses of the Legislature with a copy of the state plan or plans, including any amendments, submitted to the United States Secretary of Education for the Race to the Top program.

(c) Within 30 days of receipt any Race to the Top program funds, and prior to their allocation, the Department of Finance, in collaboration with the Superintendent, shall develop and submit an expenditure plan to the appropriate fiscal and policy committees of the Legislature. The expenditure plan shall be consistent with the requirements set forth in the act adding this section and the approved Race to the Top program state plan or plans, and shall do all of the following:

(1) Specify that no more than 20 percent of the total funding received is reserved for state-level activities, including, but not limited to, the purposes set forth in Section 53403.

(2) Specify that no less than 80 percent of the total funding received is reserved for allocation to local educational agencies, including charter schools, for implementation of activities for the Race to the Top program.

(3) Specify that participating local educational agencies, as that term is defined in regulations and guidance governing the federal

1 Race to the Top program, shall receive no less than 50 percent of  
2 the total funding received.

3 (4) Specify that local educational agencies, including charter  
4 schools, with schools defined as low-achieving pursuant to  
5 subdivision (a) of Section 53400, receive no less than 30 percent  
6 of the total funding received, with the persistently lowest-achieving  
7 schools, as defined pursuant to subdivision (b) of Section 53400,  
8 receiving the greatest amount of funding.

9 (5) Designate the amount of the funds specified in paragraph  
10 (4) to be used for purposes of Article 3 and for purposes of mentor  
11 schools as set forth in subdivision (c) of Section 53402.

12 (6) Provide a detailed description, including allocation formulas,  
13 of any federal or state funds that may be utilized for  
14 implementation of the Race to the Top program, including, but  
15 not limited to, federal School Improvement Funds.

16 53202. (a) On or before January 1, 2011, the Superintendent  
17 shall contract with an independent evaluator, who shall report to  
18 him or her, for evaluation of the implementation of the state plan  
19 submitted in application for a Race to the Top Fund competitive  
20 grant award.

21 (b) On or before September 1, 2010, the Superintendent shall  
22 convene a working group consisting of staff representing the policy  
23 and fiscal committees of both houses of the Legislature, the  
24 Legislative Analyst's Office, the Department of Finance, the  
25 Governor, the state board, and the department to do all of the  
26 following:

27 (1) Jointly develop the parameters of the evaluation.

28 (2) Make recommendations regarding development of any  
29 request for proposals or request for applications used to solicit  
30 contract proposals, and regarding the selection of the independent  
31 evaluator.

32 (c) The Superintendent shall provide the final evaluation to the  
33 Legislature, the Governor, and the state board on or before June  
34 1, 2014.

35 (d) The department shall use federal funds made available from  
36 the Race to the Top Fund and detailed in the expenditure plan  
37 required pursuant to subdivision (c) of Section 53201 for the  
38 purpose of contracting for this evaluation.

39 53203. This chapter shall become inoperative on July 1, 2014,  
40 and, as of January 1, 2015, is repealed, unless a later enacted

1 statute, that becomes operative on or before January 1, 2015,  
2 deletes or extends the dates on which this chapter becomes  
3 inoperative and is repealed.

4  
5 Article 3. Professional Development  
6

7 53300. (a) The Superintendent shall apportion federal Race  
8 to the Top program funds pursuant to the expenditure plan specified  
9 in Section 53201 based on the number of certificated personnel  
10 employed in eligible school districts that have one or more schools  
11 under their jurisdiction and charter schools, defined as  
12 low-achieving, pursuant to subdivision (a) of Section 53400.

13 (b) A school district and charter school shall expend funds  
14 received pursuant to this section for use at low-achieving  
15 schoolsites for any of the following purposes:

16 (1) To provide professional development training to teachers,  
17 administrators, and staff in any of the following areas:

18 (A) The state academic content standards adopted by the state  
19 board pursuant to Section 60605 or 60605.8.

20 (B) The curriculum frameworks adopted by the state board  
21 pursuant to Section 60005.

22 (C) The English language development standards adopted  
23 pursuant to Section 60811.

24 (2) To provide leadership coaching and individualized support  
25 to teachers, administrators, and schoolsite staff to become highly  
26 effective instructional leaders and administrators. This may include  
27 any of the following:

28 (A) Providing coaches or mentors to support teachers,  
29 administrators, and schoolsite staff in increasing pupil achievement.

30 (B) Providing support through the California Beginning Teacher  
31 Support and Assessment System, as set forth in Article 4.5  
32 (commencing with Section 44279.1) of Chapter 2 of Part 25 of  
33 Division 3, and the California Peer Assistance and Review Program  
34 for Teachers, as set forth in Article 4.5 (commencing with Section  
35 44500) of Chapter 3 of Part 25.

36 (C) Providing training to teachers and principals serving in a  
37 leadership capacity on effective evaluation and supervision  
38 practices.

39 (3) To provide common teacher and administrator collaboration  
40 time in order to create effective strategies to teach academic content

1 with the goal of increasing pupil achievement, including, but not  
2 limited to, establishing professional learning communities.

3 (4) To provide professional development to teachers,  
4 administrators, and schoolsite staff to analyze state and local pupil  
5 achievement data for the purposes of designing and differentiating  
6 instructional strategies to increase pupil achievement, use data and  
7 technology to improve instructional practices, use data to allocate  
8 resources, and analyze and communicate pupil achievement data  
9 to parents and the public.

10 (5) Establish teacher and administrator recruitment and retention  
11 programs with particular emphasis on schools with high  
12 percentages of minority and poor pupils and hard-to-staff subjects,  
13 including special education, mathematics, science, and English  
14 language development.

15 (c) A school district and charter school shall ensure that any  
16 funding expended for purposes in subdivision (b) is consistent  
17 with local schoolsite plans for academic achievement and the local  
18 educational agency plan required under Section 6312 of Title 20  
19 of the United States Code.

20 (d) Commencing with the 2011–12 fiscal year and each year  
21 thereafter, a school district and a charter school shall report the  
22 following information to the department on or before June 1 of  
23 any fiscal year in which it received funding allocated pursuant to  
24 subdivision (a):

25 (1) A detailed description of expenditures.

26 (2) The number of teachers, administrators, and schoolsite staff  
27 served, including what type of services they received.

28 (3) The number of teachers and administrators recruited utilizing  
29 funds allocated pursuant to this section.

30  
31 Article 4. Intervening in the Persistently Lowest-Achieving  
32 Schools  
33

34 53400. For purposes of this article, the following definitions  
35 apply:

36 (a) “Low-achieving school” means a school described in  
37 ~~subdivision (a)~~ subdivisions (a) and (b) of Section 53401.

38 (b) “Persistently lowest-achieving school” means a school  
39 identified pursuant to subdivisions (a) to (d), inclusive, of Section  
40 53401, *excluding those schools determined by the Superintendent*

1 *to have implemented substantially similar reforms pursuant to*  
2 *subdivision (a) of Section 53402.*

3 53401. The Superintendent shall establish a list of schools  
4 according to the following:

5 ~~(a) Identify all Title I schools in year five of program~~  
6 ~~improvement pursuant to the federal No Child Left Behind Act of~~  
7 ~~2001 (20 U.S.C. Sec. 6301 et seq.) that did not experience academic~~  
8 ~~growth of at least 50 points over the previous five years as~~  
9 ~~measured by the Academic Performance Index, using the most~~  
10 ~~recent data available.~~

11 ~~(b) Calculate a number equal to 5 percent of the number of~~  
12 ~~schools identified pursuant to subdivision (a).~~

13 ~~(c) Beginning with the school with the lowest score on the~~  
14 ~~Academic Performance Index, determine whether the school had~~  
15 ~~replaced or hired a new principal within the last two years and~~  
16 ~~whether the school is undergoing reform consistent with the intent~~  
17 ~~and goals of the Race To The Top program. If the determination~~  
18 ~~is affirmative, that school shall be eliminated from the list. The~~  
19 ~~Superintendent shall evaluate the remainder of the schools on the~~  
20 ~~list in ascending order of the scores on the Academic Performance~~  
21 ~~Index in the same manner until the number of schools calculated~~  
22 ~~in subdivision (b) is reached.~~

23 ~~(a) Identify any Title I school in improvement, corrective action,~~  
24 ~~or restructuring.~~

25 ~~(b) Identify the lowest 5 percent of the schools identified~~  
26 ~~pursuant to subdivision (a) as measured by the Academic~~  
27 ~~Performance Index, using the most recent data available.~~

28 ~~(c) Identify, from the schools identified in subdivision (b), in~~  
29 ~~order to take into account the lack of progress of the schools on~~  
30 ~~the state's assessments pursuant to the Race to the Top guidelines,~~  
31 ~~those schools in year five of program improvement that did not~~  
32 ~~experience academic growth of at least 50 points over the previous~~  
33 ~~five years as measured by the Academic Performance Index, using~~  
34 ~~the most recent data available.~~

35 (d) Add to the schools identified pursuant to subdivisions (a)  
36 to (c), inclusive, any high school that has had a graduation rate, as  
37 defined in Section 200.19(b) of Title 34 of the Code of Federal  
38 Regulations, that is less than 60 percent in each of the previous  
39 five years.

1 53401.5. The Superintendent shall notify the governing board  
2 of a school district, county office of education, or charter school  
3 that one or more of the schools in its jurisdiction have been  
4 identified as a persistently lowest-achieving school.

5 53402. (a) For purposes of implementing the federal Race to  
6 the Top program established by Sections 14005 and 14006 of Title  
7 XIV of the American Recovery and Reinvestment Act of 2009  
8 (Public Law 111-5), the governing board of a school district, county  
9 office of education, or charter school shall implement, for any  
10 school identified by the Superintendent as persistently  
11 lowest-achieving pursuant to subdivision (b) of Section 53400,  
12 *unless the Superintendent determines that the school has*  
13 *implemented a reform within the last two years that is substantially*  
14 *similar to the interventions required by the Race to the Top*  
15 *program and is showing significant progress*, one of the following  
16 four interventions for turning around persistently lowest-achieving  
17 schools described in Appendix C of the Notice of Final Priorities,  
18 Requirements, Definitions, Selection Criteria for the Race to the  
19 Top program published in Volume 74 of Number 221 of the  
20 Federal Register on November 18, 2009:

- 21 (1) The turnaround model.
- 22 (2) The restart model.
- 23 (3) School closure.
- 24 (4) The transformation model.

25 (b) ~~Prior to selecting the governing board meeting to select~~ one  
26 of the four interventions described in subdivision (a), the governing  
27 board with one or more persistently lowest-achieving schools shall  
28 ~~hold a public hearing~~ *at least two public hearings to notify staff,*  
29 *parents, and the community of the designation and to seek input*  
30 *from staff, parents, and the community regarding the option or*  
31 *options most suitable for the applicable school or schools in its*  
32 *jurisdiction. At least one of the public hearings shall be held on*  
33 *the site of a school deemed persistently lowest-achieving.*

34 (c) In addition to meeting the requirements specified in  
35 Appendix C, a persistently lowest-achieving school implementing  
36 the turnaround or transformation model may participate in a  
37 school-to-school partnership program by working with a mentor  
38 school that has successfully transitioned from a low-achieving  
39 school to a higher-achieving school.

1 (1) For purposes of this article, a mentor school is a school that  
2 successfully transformed from a low-achieving school to a  
3 higher-achieving school.

4 (2) The principal and, at the discretion of the principal, the staff  
5 of a mentor school shall provide guidance to a persistently  
6 lowest-achieving school to develop a reform plan for the school  
7 using the required elements of the turnaround or transformation  
8 model, and provide guidance and advice on how the mentor school  
9 was able to transform the culture of the school from low-achieving  
10 to higher-achieving and how that transformation could be replicated  
11 at the school implementing a turnaround or transformation model.

12 (3) The mentor school shall receive Race to the Top program  
13 funds specified in Section 53201. As a condition for receipt of  
14 funds, the principal, and at the principal's discretion, the staff, of  
15 a mentor school shall meet regularly with the assigned persistently  
16 lowest-achieving school for a period of at least three years.

17 53403. (a) The regional consortia authorized under Section  
18 52059, in collaboration with the department, from funds provided  
19 pursuant to paragraph (1) of subdivision (c) of Section 53201, shall  
20 provide, at a minimum, technical assistance and support to local  
21 educational agencies with one or more persistently  
22 lowest-achieving schools to assist with the implementation of the  
23 duties specified for any of the four interventions for persistently  
24 lowest-achieving schools pursuant to Section 53402.

25 (b) Funds for the regional consortia shall be distributed based  
26 on the number of persistently lowest-achieving schools identified  
27 pursuant to this section and the pupil enrollment of these schools.

28 (c) It is the intent of the Legislature that the regional consortia  
29 coordinate the duties described in subdivision (a) with the duties  
30 performed pursuant to Section 52059 as it relates to schools and  
31 districts identified in program improvement pursuant to the federal  
32 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

33 (d) The areas of technical assistance and support pursuant to  
34 this section may include, but are not limited to, any of the  
35 following:

36 (1) Strategies that are designed to recruit, place, and retain staff  
37 with the skills necessary to meet the needs of the pupils at the  
38 school, including financial incentives, increased opportunities for  
39 promotion and career growth, and more flexible work conditions.

40 (2) Strategies that provide increased instructional time.

1 (3) Implementing any of the professional development activities  
2 authorized in Article 3 (commencing with Section 53300).

3 (4) Developing a new governance structure that may include  
4 the establishment of a new turnaround office, located within the  
5 local educational agency or the department, that a school  
6 implementing the turnaround model will report to.

7 (5) Developing social-emotional and community-oriented  
8 services, including strategies for parental involvement and services  
9 that can be located at the schoolsite.

10 (6) Identifying, reviewing, and recommending quality charter  
11 school operators, charter management organizations, or education  
12 management organizations that can operate a persistently  
13 lowest-achieving school.

14 (7) Identifying higher-achieving schools in the school district,  
15 including charter schools, to relocate pupils attending a school that  
16 is scheduled for closure.

17 (8) Developing, in consultation with teachers and principals, a  
18 rigorous, transparent, and equitable evaluation system for teachers  
19 and principals that includes use of pupil growth data and other  
20 factors such as multiple observation-based assessments that all  
21 schools implementing the turnaround or transformation model may  
22 use.

23 (9) Strategies to identify and reward school leaders, teachers,  
24 and other staff who, in implementing the transformation model,  
25 have increased student achievement and high school graduation  
26 rates and have identified and removed those, who, after ample  
27 opportunities, have been provided for them to improve their  
28 professional practice, have not done so.

29 (10) Identifying and approving mentor schools pursuant to  
30 subdivision (c) of Section 53402. The regional consortia shall first  
31 seek eligible mentor schools located within the district of each of  
32 the school implementing the turnaround or transformation model.

33 (11) Consistent with the collective bargaining agreement,  
34 assisting a local educational agency in doing any of the following:

35 (A) Meet federal guidelines under Appendix C of the Notice of  
36 Final Priorities, Requirements, Definitions, Selection Criteria for  
37 the federal Race to the Top program published in Volume 74 of  
38 Number 221 of the Federal Register on November 18, 2009, which  
39 encourages the state to ensure that persistently lowest-achieving

1 schools are not required to accept a teacher without mutual consent  
2 of the teacher and principal, regardless of the teacher's seniority.

3 (B) Implement schoolsite-based teacher hiring decisions.

4 (C) Give persistently lowest-achieving schools first priority in  
5 selecting from the qualified district applicant pool, among those  
6 teachers who have specifically applied to work at the school.

7 53404. When determining a sanction for a local educational  
8 agency pursuant to subdivision (b) of Section 52055.57, the state  
9 board shall consider whether the local educational agency has one  
10 or more persistently lowest-achieving schools under its jurisdiction  
11 and the intervention model or models being implemented for the  
12 school or schools pursuant to Section 53402. The state board shall  
13 provide written factual findings regarding how the sanction being  
14 imposed pursuant to subdivision (b) of Section 52055.57 supports  
15 and coordinates with the intervention model or models being  
16 implemented pursuant to Section 53402.

17  
18 *Article 5. Parental Empowerment*  
19

20 53500. *For any school identified as low-achieving as defined*  
21 *in subdivision (a) of section 53400, but not identified as persistently*  
22 *lowest-achieving as defined in subdivision (b) of section 53400,*  
23 *which continues to fail to make adequate yearly progress under*  
24 *the federal Elementary and Secondary Education Act (20 U.S.C.*  
25 *Sec. 6301 et seq.) after one full school year, and where at least*  
26 *one-half of the parents or legal guardians of pupils attending the*  
27 *school and the elementary or middle schools that normally*  
28 *matriculate into a middle or high school, as applicable, sign a*  
29 *petition requesting the local educational agency to implement a*  
30 *strategy to reform that school, the governing board of that local*  
31 *educational agency shall do all of the following:*

32 (a) *Place that request as an item on the agenda of a regularly*  
33 *scheduled public hearing no later than 90 days following receipt*  
34 *of that request.*

35 (b) *Hear that agenda item at that regularly scheduled meeting.*

36 (c) *Allow public testimony and comment on that agenda item.*

37 SEC. 9. Section 60601 of the Education Code is amended to  
38 read:

39 60601. Except as otherwise provided in this chapter, this  
40 chapter shall become inoperative on July 1, 2012, and as of January

1 1, 2013, is repealed, unless a later enacted statute that is enacted  
2 before January 1, 2013, deletes or extends the dates on which it  
3 becomes inoperative and is repealed.

4 SEC. 10. Section 60603 of the Education Code is amended to  
5 read:

6 60603. As used in this chapter:

7 (a) “Achievement test” means any standardized test that  
8 measures the level of performance that a pupil has achieved in the  
9 core curriculum areas.

10 (b) “Assessment of applied academic skills” means a form of  
11 assessment that requires pupils to demonstrate their knowledge  
12 of, and ability to apply, academic knowledge and skills in order  
13 to solve problems and communicate. It may include, but is not  
14 limited to, writing an essay response to a question, conducting an  
15 experiment, or constructing a diagram or model. An assessment  
16 of applied academic skills may not include assessments of personal  
17 behavioral standards or skills, including, but not limited to, honesty,  
18 sociability, ethics, or self-esteem.

19 (c) “Basic academic skills” means those skills in the subject  
20 areas of reading, spelling, written expression, and mathematics  
21 that provide the necessary foundation for mastery of more complex  
22 intellectual abilities, including the synthesis and application of  
23 knowledge.

24 (d) “Content standards” means the specific academic knowledge,  
25 skills, and abilities that all public schools in this state are expected  
26 to teach and all pupils expected to learn in each of the core  
27 curriculum areas, at each grade level tested.

28 (e) “Core curriculum areas” means the areas of reading, writing,  
29 mathematics, history-social science, and science.

30 (f) “Diagnostic assessment” means interim assessments of the  
31 current level of achievement of a pupil that serves both of the  
32 following purposes:

33 (1) The identification of particular academic standards or skills  
34 a pupil has or has not yet achieved.

35 (2) The identification of possible reasons that a pupil has not  
36 yet achieved particular academic standards or skills.

37 (g) “Direct writing assessment” means an assessment of applied  
38 academic skills that requires pupils to use written expression to  
39 demonstrate writing skills, including writing mechanics, grammar,  
40 punctuation, and spelling.

1 (h) “End of course exam” means a comprehensive and  
2 challenging assessment of pupil achievement in a particular subject  
3 area or discipline.

4 (i) “Formative assessment” means assessment questions, tools,  
5 and processes that are embedded in instruction and are used by  
6 teachers and pupils to provide timely feedback for purposes of  
7 adjusting instruction to improve learning.

8 (j) “High-quality assessment” means an assessment designed  
9 to measure a pupil’s knowledge of, understanding of, and ability  
10 to apply, critical concepts through the use of a variety of item types  
11 and formats, such as open-ended responses and performance-based  
12 tasks. The assessments should enable measurement of pupil  
13 achievement and pupil growth; be of high technical quality by  
14 being valid, reliable, fair, and aligned to standards; incorporate  
15 technology where appropriate; include the assessment of pupils  
16 with disabilities and English learners; and, to the extent feasible,  
17 use universal design principles, as defined in Section 3 of the  
18 federal Assistive Technology Act of 1998 (29 U.S.C. Sec. 3002)  
19 in development and administration.

20 (k) “Interim assessment” means an assessment that is given at  
21 regular and specified intervals throughout the school year, is  
22 designed to evaluate a pupil’s knowledge and skills relative to a  
23 specific set of academic standards, and produces results that can  
24 be aggregated by course, grade level, school, or local educational  
25 agency, in order to inform teachers and administrators at the pupil,  
26 classroom, school, and local educational agency levels.

27 (l) “Performance standards” are standards that define various  
28 levels of competence at each grade level in each of the curriculum  
29 areas for which content standards are established. Performance  
30 standards gauge the degree to which a pupil has met the content  
31 standards and the degree to which a school or school district has  
32 met the content standards.

33 (m) “Publisher” means a commercial publisher or any other  
34 public or private entity, other than the department, which is able  
35 to provide tests or test items that meet the requirements of this  
36 chapter.

37 (n) “Statewide pupil assessment program” means the systematic  
38 achievement testing of pupils in grades 2 to 11, inclusive, pursuant  
39 to the standardized testing and reporting program under Article 4  
40 (commencing with Section 60640) and the assessment of basic

1 academic skills and applied academic skills, administered to pupils  
2 in grade levels specified in subdivision (c) of Section 60605,  
3 required by this chapter in all schools within each school district  
4 by means of tests designated by the state board.

5 SEC. 11. Section 60604 of the Education Code is amended to  
6 read:

7 60604. (a) The Superintendent shall design and implement,  
8 consistent with the timetable and plan required pursuant to  
9 subdivision (b), a statewide pupil assessment program consistent  
10 with the testing requirements of this article in accordance with the  
11 objectives set forth in Section 60602. That program shall include  
12 all of the following:

13 (1) A plan for producing valid, reliable, and comparable  
14 individual pupil scores in grades 2 to 11, inclusive, and a  
15 comprehensive analysis of these scores based on the results of the  
16 achievement test designated by the state board that assesses a broad  
17 range of basic academic skills pursuant to the Standardized Testing  
18 and Reporting (STAR) Program established by Article 4  
19 (commencing with Section 60640).

20 (2) A method of working with publishers to ensure valid,  
21 reliable, and comparable individual, grade-level, school-level,  
22 district-level, county-level, and statewide scores in grades 2 to 11,  
23 inclusive.

24 (3) Statewide academically rigorous content and performance  
25 standards that reflect the knowledge and skills that pupils will need  
26 in order to succeed in the information-based, global economy of  
27 the 21st century. These skills shall not include personal behavioral  
28 standards or skills, including, but not limited to, honesty,  
29 sociability, ethics, or self-esteem.

30 (4) A statewide system that provides the results of testing in a  
31 manner that reflects the degree to which pupils are achieving the  
32 academically rigorous content and performance standards adopted  
33 by the state board.

34 (5) The alignment of assessment with the statewide academically  
35 rigorous content and performance standards adopted by the state  
36 board.

37 (6) The active, ongoing involvement of parents, classroom  
38 teachers, administrators, other educators, governing board members  
39 of school districts, and the public in all phases of the design and  
40 implementation of the statewide pupil assessment program.

(7) The development of a contract or contracts with a publisher or publishers, after the approval of statewide academically rigorous content standards by the state board, for the development of performance standards and assessments of applied academic skills designed to test pupils' knowledge of academic skills and abilities to apply that knowledge and those skills in order to solve problems and communicate.

(b) The Superintendent shall develop and annually update for the Legislature a five-year cost projection, implementation plan, and timetable for implementing the program described in subdivision (a). The annual update shall be submitted on or before March 1 of each year to the chairperson of the fiscal subcommittee considering budget appropriations in each house. The update shall explain any significant variations from the five-year cost projection for the current year budget and the proposed budget.

(c) The Superintendent shall provide each school district with guidelines for professional development that are designed to assist classroom teachers to use the results of the assessments administered pursuant to this chapter to modify instruction for the purpose of improving pupil learning. These guidelines shall be developed in consultation with classroom teachers and approved by the state board before dissemination.

(d) The Superintendent and the state board shall consider comments and recommendations from school districts and the public in the development, adoption, and approval of assessment instruments.

(e) The results of the achievement test administered pursuant to Article 4 (commencing with Section 60640) shall be returned to the school district within the period of time specified by the state board.

SEC. 12. Section 60604.5 is added to the Education Code, to read:

60604.5. The Superintendent shall develop recommendations for the reauthorization of the statewide pupil assessment program.

(a) These recommendations shall include, but are not limited to, a plan for transitioning to a system of high-quality assessments, as defined in this chapter, that does all of the following:

(1) Aligns with the standards adopted or revised pursuant to subdivision (a) of Section 60605.8.

(2) Implements and incorporates any common assessments aligned with the common set of standards developed by the Common Core State Standards Initiative consortium *or other interstate collaboration in which the state participates*.

(3) Conforms to the assessment requirements of any reauthorization of the federal Elementary and Secondary Education Act or any other federal law that effectively replaces that act.

(4) Enables the valid, reliable, and fair measurement of achievement at a point in time and over time for both groups and individuals.

(5) Allows the comparison from one year to the next of an individual pupil's scale scores in each content area tested, so as to reflect the growth in that pupil's actual scores over time.

(6) Enables and includes the valid, reliable, and fair measurement of achievement of all pupils, including pupils with disabilities and English learners.

(7) Ensures that no aspect of the system creates any bias with respect to race, ethnicity, culture, religion, gender, or sexual orientation.

(8) Incorporates a variety of item types and formats, including, but not limited to, open-ended responses and performance-based tasks.

(9) Generates multiple measures of pupil achievement, which, when combined with other measures, can be used to determine the effectiveness of instruction and the extent of learning.

(10) Includes the assessment of science and mathematics in all grade levels above grade 4.

(11) Assesses a pupil's understanding of and ability to use the technology necessary for success in the 21st century classroom and workplace.

(12) Provides for both formative and interim assessments, as those terms are defined in this chapter, in order to provide timely feedback for the purposes of continually adjusting instruction to improve learning.

(13) Makes use of test administration and scoring technologies that will allow the return of test results to parents and teachers as soon as is possible in order to support instructional improvement.

(14) Minimizes testing time while not jeopardizing the validity, reliability, fairness, or instructional usefulness of the assessment results.

(b) In developing the recommendations pursuant to subdivision (a), the Superintendent shall consult with all of the following:

(1) The state board.

(2) The advisory committee appointed pursuant to subdivision (b) of Section 60605.8.

(3) The committee advising the Superintendent on the Academic Performance Index pursuant to subdivision (a) of Section 52052.5.

(4) Measurement experts from California's public and private universities.

(5) Individuals with expertise in assessing pupils with disabilities and English learners.

(6) Teachers, administrators, and governing board members, including those in local educational agencies that choose to work with the state to implement California's Race to the Top plan.

(7) Parents.

(c) The Superintendent shall provide the recommendations developed pursuant to subdivision (a) to the fiscal and appropriate policy committees of both houses of the Legislature on or before December 1, 2010.

(d) By January 1, 2011, the advisory committee established pursuant to subdivision (a) of Section 52052.5 and the Superintendent shall make recommendations to the Legislature, the Governor, and the state board on both of the following:

(1) The establishment of a methodology for generating a measurement of group and individual academic performance growth by utilizing individual pupil results from a longitudinally valid achievement assessment system. These recommendations should also address any interactions between the Academic Performance Index, or any successor measure, and individual test scores from the state's tests, as well as implications for the reauthorization of the state's assessment system.

(2) Alternative approaches to increasing the emphasis of science and mathematics in the calculation of the Academic Performance Index or any successor measure.

(e) A recommendation made pursuant to subdivision (d), or any other proposal to develop a longitudinally valid assessment system, shall not be implemented unless funds are appropriated for that purpose.

SEC. 13. Section 60605 of the Education Code is amended to read:

60605. (a) (1) (A) Not later than January 1, 1998, the state board shall adopt statewide academically rigorous content standards, pursuant to the recommendations of the Commission for the Establishment of Academic Content and Performance Standards, in the core curriculum areas of reading, writing, and mathematics to serve as the basis for assessing the academic achievement of individual pupils and of schools, school districts, and the California educational system. Not later than November 1, 1998, the state board shall adopt these standards in the core curriculum areas of history/social science and science.

(B) The state board shall adopt statewide performance standards in the core curriculum areas of reading, writing, mathematics, history/social science, and science based on the recommendations made by the Superintendent of a contractor or contractors.

(C) The state board shall require the contractor or contractors to submit performance standards to the Superintendent and the state board not later than a specified date that allows sufficient opportunity for the Superintendent to make a recommendation to the state board and for the state board to conduct regional hearings prior to the adoption of the performance standards.

(2) (A) The state performance standards shall be established against specific grade level benchmarks of academic achievement for each subject area tested and shall be based on the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. These skills shall not include personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem. The standards adopted pursuant to this section shall be for the purpose of guiding state decisions regarding the development, adoption, and approval of assessment instruments pursuant to this chapter and does not mandate any actions or activities by school districts.

(B) Because these standards are models, the adoption of these standards is not subject to the Administrative Procedure Act. This subparagraph is declaratory of existing law.

(3) Before adopting academic content and performance standards, the state board shall hold regional hearings for the purpose of giving parents and other members of the public the opportunity to comment on the proposed standards.

(b) (1) The state board shall ensure that the statewide assessment system adopted pursuant to this chapter yields valid, reliable individual pupil scores and, where applicable, aggregate school scores, school district scores, and statewide scores of pupils and assesses basic academic skills and content standards, including the use of a direct writing assessment or other applied academic skills if deemed valid and reliable and if resources are made available for their use.

(2) This subdivision does not prevent the state board from developing or adopting an assessment instrument that also contains assessments of basic academic skills.

(c) To the extent feasible and as otherwise required, the state board shall ensure that assessments developed, or contracted for pursuant to Section 60642.5, by the state are aligned with the statewide content and performance standards adopted pursuant to subdivision (a), or pursuant to Section 60605.8. The department, with the approval of the state board, periodically shall contract for a review of the achievement test for conformance with these standards.

(d) After adopting statewide content and performance standards, the state board shall review the existing curriculum frameworks for conformity with the new statewide standards and shall modify the curriculum frameworks where appropriate to bring them into alignment with the standards.

(e) The state board shall adopt regulations for the conduct and administration of the testing and assessment program.

(f) The state board shall adopt a regulation for minimum security procedures that test and assessment publishers and school districts must follow to ensure the security and integrity of test and assessment questions and materials.

(g) Notwithstanding Section 60601, this section shall become inoperative on July 1, 2016, and, as of January 1, 2017, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2017, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 14. Section 60605.6 of the Education Code is amended to read:

60605.6. Subject to the availability of funds appropriated in the annual Budget Act for this purpose, the Superintendent, upon

1 approval of the state board, shall contract for the development and  
2 distribution of workbooks, as follows:

3 (a) One workbook to be distributed to all pupils in grade 10.  
4 This workbook shall contain information on the proficiency levels  
5 that must be demonstrated by pupils on the high school exit  
6 examination described in Chapter 9 (commencing with Section  
7 60850). The workbook also shall contain sample questions, with  
8 explanations describing how these sample questions test pupil  
9 knowledge of the language arts and mathematics content standards  
10 adopted by the state board pursuant to Section 60605.

11 (b) Separate workbooks for each of grades 2 to 11, inclusive.  
12 Each pupil in grades 2 to 11, inclusive, who is required to take the  
13 achievement tests described in Section 60642.5 shall receive a  
14 copy of the workbook designed for the same grade level in which  
15 the pupil is enrolled. These workbooks shall contain material to  
16 assist pupils and their parents with standards-based learning,  
17 including the grade appropriate academic content standards adopted  
18 by the state board pursuant to Section 60605 and sample questions  
19 that require knowledge of these standards to answer. The  
20 workbooks also shall describe how the sample questions test  
21 knowledge of the state board adopted academic content standards.

22 SEC. 15. Section 60605.7 is added to the Education Code, to  
23 read:

24 60605.7. (a) The Superintendent shall participate in the  
25 Common Core State Standards Initiative consortium sponsored  
26 by the National Governors Association and the Council of Chief  
27 State School Officers ~~and or~~ any associated or related interstate  
28 collaboration to jointly develop common high-quality *standards*  
29 *or* assessments aligned with the common set of standards developed  
30 ~~by the consortium.~~

31 (b) Notwithstanding Section 60601, this section shall become  
32 inoperative on July 1, 2016, and, as of January 1, 2017, is repealed,  
33 unless a later enacted statute, that becomes operative on or before  
34 January 1, 2017, deletes or extends the dates on which it becomes  
35 inoperative and is repealed.

36 SEC. 16. Section 60605.8 is added to the Education Code, to  
37 read:

38 60605.8. (a) The Superintendent shall develop a set of  
39 academic content standards in language arts and mathematics. The  
40 standards shall be internationally benchmarked and build toward

1 college and career readiness by the time of high school graduation.  
2 At least 85 percent of these standards shall be the common core  
3 academic standards developed by the consortium *or interstate*  
4 *collaboration* set forth in Section 60605.7.

5 (b) The Superintendent may appoint one or more advisory  
6 committees consisting of educators and subject matter experts to  
7 assist in the development of the academic content standards  
8 pursuant to subdivision (a).

9 (c) On or before August 2, 2010, the Superintendent shall do  
10 ~~either~~ *both* of the following:

11 (1) Present the academic content standards developed pursuant  
12 to subdivision (a) to the state board.

13 (2) Present to the Governor and to the appropriate policy and  
14 fiscal committees of the Legislature a schedule, implementation  
15 plan, and estimated costs of:

16 (A) Reviewing the statewide curriculum frameworks and  
17 instructional materials where appropriate to bring them into  
18 alignment with the revised standards.

19 (B) Collaborating with the state's institutions of higher education  
20 to align high school exit criteria and college entrance requirements  
21 with the new standards and assessments.

22 (C) Developing or acquiring, disseminating, and implementing  
23 high-quality instructional materials and assessments, including but  
24 not limited to, formative and interim assessments.

25 (D) Supporting the transition to new standards and assessments  
26 and engaging in strategies that translate the standards and  
27 information from assessments into classroom practice for all  
28 students, including high-need students.

29 (d) On or before September 1, 2010, the state board shall do  
30 either of the following:

31 (1) Adopt the academic content standards as proposed by the  
32 Superintendent.

33 (2) Reject the academic content standards as proposed by the  
34 Superintendent. If the state board rejects the standards it shall  
35 provide a specific written explanation to the Superintendent and  
36 the Legislature of the reasons why the proposed standards were  
37 rejected.

38 (e) Notwithstanding Section 60601, this section shall become  
39 inoperative on July 1, 2016, and, as of January 1, 2017, is repealed,  
40 unless a later enacted statute, that becomes operative on or before

1 January 1, 2017, deletes or extends the dates on which it becomes  
2 inoperative and is repealed.

3 SEC. 17. Section 60606 of the Education Code is amended to  
4 read:

5 60606. (a) After adopting an assessment of applied academic  
6 skills for use in grades 4, 5, 8, and 10 pursuant to Section 60605,  
7 the state board shall submit the instrument, once designated or  
8 adopted, for review by the Statewide Pupil Assessment Review  
9 Panel, which is hereby established.

10 (b) The panel shall consist of six members. Three members  
11 shall be appointed by the Governor, one member shall be appointed  
12 by the Senate Committee on Rules, one member shall be appointed  
13 by the Speaker of the Assembly, and one member shall be  
14 appointed by the Superintendent. A majority of the panel shall  
15 consist of parents whose children attend public schools in the state  
16 in kindergarten and grades 1 to 12, inclusive.

17 (c) Panel members shall serve two-year terms, without  
18 compensation. No panel member shall serve more than two  
19 consecutive terms.

20 (d) The panel shall review the instrument specified in  
21 subdivision (a) in order to ensure that the content of the instrument  
22 complies with the requirements of Section 60614. Notwithstanding  
23 any other provision of law, the panel may meet in closed session  
24 with a publisher for the purpose of addressing questions and  
25 clarifying issues that relate to ensuring that the content of the  
26 publisher's test or assessment, as the case may be, complies with  
27 the requirements of Section 60614.

28 (e) The panel shall report its findings and recommendations to  
29 the state board within 10 days of its receipt of the instrument. If  
30 the panel fails to report within the required 10 days, the test or  
31 assessment shall be deemed acceptable to the panel.

32 SEC. 18. Section 60640 of the Education Code is amended to  
33 read:

34 60640. (a) There is hereby established the Standardized  
35 Testing and Reporting Program, to be known as the STAR  
36 Program.

37 (b) From the funds available for that purpose, each school  
38 district, charter school, and county office of education shall  
39 administer to each of its pupils in grades 2 to 11, inclusive, the  
40 standards-based achievement test provided for in Section 60642.5.

1 The state board shall establish a testing period to provide that all  
2 schools administer these tests to pupils at approximately the same  
3 time during the instructional year, except as necessary to ensure  
4 test security and to meet the final filing date.

5 (c) The publisher and the school district shall provide two  
6 makeup days for the testing of previously absent pupils within the  
7 testing period established by the state board in subdivision (b).

8 (d) The governing board of the school district may administer  
9 achievement tests in grades other than those required by  
10 subdivision (b) as it deems appropriate.

11 (e) Pursuant to Section 1412(a)(17) of Title 20 of the United  
12 States Code, individuals with exceptional needs, as defined in  
13 Section 56026, shall be included in the testing requirement of  
14 subdivision (b) with appropriate accommodations in administration,  
15 where necessary, and those individuals with exceptional needs  
16 who are unable to participate in the testing, even with  
17 accommodations, shall be given an alternate assessment.

18 (f) (1) At the option of the school district, pupils with limited  
19 English proficiency who are enrolled in any of grades 2 to 11,  
20 inclusive, may take a second achievement test in their primary  
21 language. Primary language tests administered pursuant to this  
22 subdivision and subdivision (g) shall be subject to the requirements  
23 of subdivision (a) of Section 60641. These primary language tests  
24 shall produce individual pupil scores that are valid and reliable.

25 (2) Notwithstanding any other law, the state board shall  
26 designate for use, as part of this program, a single primary language  
27 test in each language for which a test is available for grades 2 to  
28 11, inclusive, pursuant to the process used for designation of the  
29 assessment chosen in the 1997–98 fiscal year, as specified in  
30 Section 60643, as applicable.

31 (3) (A) The department shall use funds made available pursuant  
32 to Title VI of the federal No Child Left Behind Act of 2001 (20  
33 U.S.C. Sec. 6301 et seq.) and appropriated by the annual Budget  
34 Act for the purpose of developing and adopting primary language  
35 assessments that are aligned to the state academic content  
36 standards. Subject to the availability of funds, primary language  
37 assessments shall be developed and adopted for reading/language  
38 arts and mathematics in the dominant primary language of  
39 limited-English-proficient pupils. The dominant primary language  
40 shall be determined by the count in the annual language census of

1 the primary language of each limited-English-proficient pupil  
2 enrolled in the California public schools.

3 (B) Once a dominant primary language assessment is available  
4 for use for a specific grade level, it shall be administered in place  
5 of the assessment designated pursuant to paragraph (1) for that  
6 grade level.

7 (C) In choosing a contractor to develop a primary language  
8 assessment the state board shall consider the criteria for choosing  
9 a contractor or test publisher as specified by Section 60643, and  
10 as specified by Section 60642.5, as applicable.

11 (D) Subject to the availability of funds, the assessments shall  
12 be developed in grade order starting with the lowest grade subject  
13 to the STAR Program.

14 (E) If the state board contracts for the development of primary  
15 language assessments or test items to augment an existing  
16 assessment, the state shall retain ownership rights to the assessment  
17 and the test items. With the approval of the state board, the  
18 department may license the test for use in other states subject to a  
19 compensation agreement approved by the Department of Finance.

20 (F) On or before January 1, 2006, the department shall submit  
21 to the Legislature a report on the development and implementation  
22 of the initial primary language assessments and recommendations  
23 on the development and implementation of future assessments and  
24 funding requirements.

25 (g) A pupil identified as limited English proficient pursuant to  
26 the administration of a test made available pursuant to Section  
27 60810 who is enrolled in any of grades 2 to 11, inclusive, and who  
28 either receives instruction in his or her primary language or has  
29 been enrolled in a school in the United States for less than 12  
30 months shall be required to take a test in his or her primary  
31 language if a test is available.

32 (h) (1) The Superintendent shall apportion funds to school  
33 districts to enable school districts to meet the requirements of  
34 subdivisions (b), (e), (f), and (g).

35 (2) The state board annually shall establish the amount of  
36 funding to be apportioned to school districts for each test  
37 administered and annually shall establish the amount that each  
38 publisher shall be paid for each test administered under the  
39 agreements required pursuant to Section 60643. The amounts to  
40 be paid to the publishers shall be determined by considering the

1 cost estimates submitted by each publisher each September and  
2 the amount included in the annual Budget Act, and by making  
3 allowance for the estimated costs to school districts for compliance  
4 with the requirements of subdivisions (b), (e), (f), and (g).

5 (3) An adjustment to the amount of funding to be apportioned  
6 per test shall not be valid without the approval of the Director of  
7 Finance. A request for approval of an adjustment to the amount  
8 of funding to be apportioned per test shall be submitted in writing  
9 to the Director of Finance and the chairpersons of the fiscal  
10 committees of both houses of the Legislature with accompanying  
11 material justifying the proposed adjustment. The Director of  
12 Finance is authorized to approve only those adjustments related  
13 to activities required by statute. The Director of Finance shall  
14 approve or disapprove the amount within 30 days of receipt of the  
15 request and shall notify the chairpersons of the fiscal committees  
16 of both houses of the Legislature of the decision.

17 (i) For purposes of making the computations required by Section  
18 8 of Article XVI of the California Constitution, the appropriation  
19 for the apportionments made pursuant to paragraph (1) of  
20 subdivision (h), and the payments made to the publishers under  
21 the contracts required pursuant to Section 60643 or subparagraph  
22 (C) of paragraph (1) of subdivision (a) of Section 60605 between  
23 the department and the contractor, are “General Fund revenues  
24 appropriated for school districts,” as defined in subdivision (c) of  
25 Section 41202, for the applicable fiscal year, and included within  
26 the “total allocations to school districts and community college  
27 districts from General Fund proceeds of taxes appropriated pursuant  
28 to Article XIII B,” as defined in subdivision (e) of Section 41202,  
29 for that fiscal year.

30 (j) As a condition to receiving an apportionment pursuant to  
31 subdivision (h), a school district shall report to the Superintendent  
32 all of the following:

33 (1) The number of pupils enrolled in the school district in grades  
34 2 to 11, inclusive.

35 (2) The number of pupils to whom an achievement test was  
36 administered in grades 2 to 11, inclusive, in the school district.

37 (3) The number of pupils in paragraph (1) who were exempted  
38 from the test at the request of their parents or guardians.

39 (k) The Superintendent and the state board are authorized and  
40 encouraged to assist postsecondary educational institutions to use

1 the assessment results of the California Standards Tests, including,  
2 but not limited to, the augmented California Standards Tests, for  
3 academic credit, placement, or admissions processes.

4 (I) The Superintendent, with the approval of the state board,  
5 annually shall release to the public test items from the  
6 standards-based achievement tests pursuant to Section 60642.5  
7 administered in previous years. The minimum number of test items  
8 released per year shall be equal to 25 percent of the total number  
9 of test items on the test administered in the previous year.

10 SEC. 19. Section 60643 of the Education Code is amended to  
11 read:

12 60643. (a) To be eligible for consideration under Section  
13 60642.5 by the state board, test publishers shall agree in writing  
14 each year to meet the following requirements, as applicable, if  
15 selected:

16 (1) Enter into an agreement, pursuant to subdivision (e) or (f),  
17 with the department by October 15 of that year.

18 (2) Align the standards-based achievement test provided for in  
19 Section 60642.5 to the academically rigorous content and  
20 performance standards adopted by the state board.

21 (3) Comply with subdivisions (c) and (d) of Section 60645.

22 (4) Provide valid and reliable individual pupil scores to parents  
23 or guardians, teachers, and school administrators.

24 (5) Provide valid and reliable aggregate scores to school districts  
25 and county boards of education in all of the following forms and  
26 formats:

27 (A) Grade level.

28 (B) School level.

29 (C) District level.

30 (D) Countywide.

31 (E) Statewide.

32 (F) Comparison of statewide scores relative to other states.

33 (6) Provide disaggregated scores, based on  
34 limited-English-proficient status and nonlimited-English-proficient  
35 status. For purposes of this section, pupils with  
36 “nonlimited-English-proficient status” shall include the total of  
37 those pupils who are English-only pupils, fluent-English-proficient  
38 pupils, and redesignated fluent-English-proficient pupils. These  
39 scores shall be provided to school districts and county boards of  
40 education in the same forms and formats listed in paragraph (5).

(7) Provide disaggregated scores by pupil gender and ethnicity and provide disaggregated scores based on whether pupils are economically disadvantaged or not. These disaggregated scores shall be in the same forms and formats as listed in paragraph (5). In any one year, the disaggregation shall entail information already being collected by school districts, county offices of education, or charter schools.

(8) Provide disaggregated scores for pupils who have individualized education programs and have enrolled in special education, to the extent required by federal law. These scores shall be provided in the same forms and formats listed in paragraph (5). This section shall not be construed to exclude the scores of special education pupils from any state or federal accountability system.

(9) Provide information listed in paragraphs (5), (6), (7), and (8) to the department and the state board in the medium requested by each entity, respectively.

(b) It is the intent of the Legislature that the publisher work with the Superintendent and the state board in developing a methodology to disaggregate statewide scores as required in paragraphs (6) and (7) of subdivision (a), and in determining which variable indicated on the STAR testing document shall serve as a proxy for “economically disadvantaged” status pursuant to paragraph (7) of subdivision (a).

(c) Access to information about individual pupils or their families shall be granted to the publisher only for purposes of correctly associating test results with the pupils who produced those results or for reporting and disaggregating test results as required by this section. School districts are prohibited from excluding a pupil from the test if a parent or parents decline to disclose income. This chapter does not abridge or deny rights to confidentiality contained in the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) or other applicable state and federal law that protect the confidentiality of information collected by educational institutions.

(d) Notwithstanding any other law, the publisher of the standards-based achievement test provided for in Section 60642.5 or any contractor under subdivision (f) shall comply with all of the conditions and requirements enumerated in subdivision (a), as applicable, to the satisfaction of the state board.

1 (e) (1) A publisher shall not provide a test described in Section  
2 60642.5 or 60650 or in subdivision (f) of Section 60640 for use  
3 in California public schools, unless the publisher enters into a  
4 written contract with the department as set forth in this subdivision.

5 (2) The department shall develop, and the state board shall  
6 approve, a contract to be entered into with a publisher pursuant to  
7 paragraph (1). The department may develop the contract through  
8 negotiations with the publisher.

9 (3) For purposes of the contracts authorized pursuant to this  
10 subdivision, the department is exempt from the requirements of  
11 Part 2 (commencing with Section 10100) of Division 2 of the  
12 Public Contract Code and from the requirements of Article 6  
13 (commencing with Section 999) of Chapter 6 of Division 4 of the  
14 Military and Veterans Code.

15 (4) The contracts shall include provisions for progress payments  
16 to the publisher for work performed or costs incurred in the  
17 performance of the contract. Not less than 10 percent of the amount  
18 budgeted for each separate and distinct component task provided  
19 for in each contract shall be withheld pending final completion of  
20 all component tasks by that publisher. The total amount withheld  
21 pending final completion shall not exceed 10 percent of the total  
22 contract price.

23 (5) The contracts shall require liquidated damages to be paid  
24 by the publisher in the amount of up to 10 percent of the total cost  
25 of the contract for any component task that the publisher through  
26 its own fault or that of its subcontractors fails to substantially  
27 perform by the date specified in the agreement.

28 (6) The contracts shall establish the process and criteria by  
29 which the successful completion of each component task shall be  
30 recommended by the department and approved by the state board.

31 (7) The publishers shall submit, as part of the contract  
32 negotiation process, a proposed budget and invoice schedule, that  
33 includes a detailed listing of the costs for each component task  
34 and the expected date of the invoice for each completed component  
35 task.

36 (8) The contracts shall specify the following component tasks,  
37 as applicable, that are separate and distinct:

38 (A) Development of new tests or test items as required by  
39 paragraph (2) of subdivision (a).

40 (B) Test materials production or publication.

1 (C) Delivery of test materials to school districts.

2 (D) Test processing, scoring, and analyses.

3 (E) Reporting of test results to the school districts, including,  
4 but not limited to, all reports specified in this section.

5 (F) Reporting of test results to the department, including, but  
6 not limited to, the electronic files required pursuant to this section.

7 (G) All other analyses or reports required by the Superintendent  
8 to meet the requirements of state and federal law and set forth in  
9 the agreement.

10 (9) The contracts shall specify the specific reports and data files,  
11 if any, that are to be provided to school districts by the publisher  
12 and the number of copies of each report or file to be provided.

13 (10) The contracts shall specify the means by which any delivery  
14 date for materials to each school district shall be verified by the  
15 publisher and the school district.

16 (11) School districts may negotiate a separate agreement with  
17 the publisher for any additional materials or services not within  
18 the contracts specified in this subdivision, including, but not limited  
19 to, the administration of the tests to pupils in grade levels other  
20 than grades 2 to 11, inclusive. Any separate agreement is not within  
21 the scope of the contract specified in this subdivision.

22 (f) The department, with approval of the state board, may enter  
23 into a separate contract for the development or administration of  
24 a test authorized pursuant to this part, including, but not limited  
25 to, item development, coordination of tests, assemblage of tests  
26 or test items, scoring, or reporting. The liquidated damages  
27 provision set forth in paragraph (5) of subdivision (e) shall apply  
28 to a contract entered into pursuant to this subdivision.

29 SEC. 20. Section 60643.1 of the Education Code is amended  
30 to read:

31 60643.1. (a) (1) The test publisher designated by the state  
32 board pursuant to Section 60642 shall make available a reading  
33 list on the Internet by June 1 of the applicable school year. The  
34 reading list shall include an index that correlates ranges of pupil  
35 reading scores on the English language arts portion of the  
36 achievement test designated pursuant to Section 60642 to titles of  
37 materials that would be suitable for pupils in each of grades 2 to  
38 11, inclusive, to read in order to improve their reading skills. This  
39 reading list shall include titles of books that allow a pupil to  
40 practice reading at his or her current reading level and that will

1 assist the pupil in achieving a higher level of proficiency. To the  
2 extent possible, the index also shall include information related to  
3 the subject matter of each title. At a minimum, the reading list also  
4 shall categorize titles by subject matter and identify age-appropriate  
5 distinctions in the list.

6 (2) The test publisher, in each school year, shall make available  
7 for purchase by school districts a report that provides a numerical  
8 distribution of the reading scores of all pupils in California who  
9 took the achievement test designated pursuant to Section 60642.

10 (3) The test publisher, in each school year, shall make available  
11 for purchase by school districts reading lists that can be distributed  
12 to pupils based on a pupil's age and the ranges of scores on the  
13 English language arts portion of the achievement test designated  
14 pursuant to Section 60642.

15 (4) The requirements of this subdivision shall become operative  
16 only upon a determination by the Director of Finance that funds  
17 are available to make an adjustment pursuant to subdivision (h)  
18 of Section 60640.

19 (b) The state board and the Superintendent jointly shall certify  
20 that the process used by the publisher to determine the reading  
21 levels of the corresponding reading list pursuant to paragraph (1)  
22 of subdivision (a) meets the following criteria:

23 (1) The process is educationally valid.

24 (2) The process results in a reading list for each reading span  
25 that provides titles at the pupil's current reading level and the next  
26 higher level for challenging practice.

27 (3) The process results in a selection from the universe of titles  
28 from the list developed pursuant to subdivision (d) that matches  
29 each reading level.

30 (4) The process is unbiased in the selection of publishers' titles  
31 from the legal compliance list.

32 (c) The titles listed at each reading level range posted on the  
33 Internet and the reading lists made available to school districts  
34 pursuant to subdivision (a), at a minimum, shall include all relevant  
35 literature materials approved as of September 1, 1999, as being  
36 legally compliant pursuant to Article 3 (commencing with Section  
37 60040) of Chapter 1 of Part 33, and the titles listed in all of the  
38 content area reading and literature lists that are developed and  
39 published by the department and that have been determined by the

1 department to meet the relevant reading level as certified pursuant  
2 to subdivision (b).

3 (d) By imposing the requirements of this section on publishers,  
4 it is not the intent of the Legislature to unfairly disadvantage any  
5 publisher who has otherwise met the requirements of this section  
6 or of Article 3 (commencing with Section 60040) of Chapter 1 of  
7 Part 33.

8 SEC. 21. If the Commission on State Mandates determines  
9 that this act contains costs mandated by the state, reimbursement  
10 to local agencies and school districts for those costs shall be made  
11 pursuant to Part 7 (commencing with Section 17500) of Division  
12 4 of Title 2 of the Government Code.

O